Counsel

Clk. Sup. Ct. U.S.
Clerk's Office

SUPREME COURT OF THE UNITED STATES.

No. ~~317.~~ 234.113.

THE SCHOONER ANDROMEDA AND CARGO, GERALD THOMAS WATSON, JAMES H. ASHBEY, CHARLES CULLMELL, CHARLES CARS, AND CLEMENT CARS, APPELLANTS,

vs.

THE UNITED STATES.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF FLORIDA.

GOVERNMENT PRINTING OFFICE.

Feb 12/63

479

SUPREME COURT OF THE UNITED STATES.

No. 317.

THE SCHOONER ANDROMEDA AND CARGO, GERALD THOMAS WATSON, JAMES H. ASHBEY, CHARLES CULLMELL, CHARLES CARO, AND CLEMENT CARO, APPELLANTS,

vs.

THE UNITED STATES.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF FLORIDA.

INDEX.

	Original.	Print.
Libel	1	1
Order process	3	2
" publication of testimony	4	2
Claim of Chas. Caro & Co. and others	5	2
Affidavits of J. R. Beckwith and others	7	3
Hearing of the cause	15	4
Order granting leave to produce further testimony	16	7
Second hearing	17	7
Decree	18	8
Notice of appeal	21	8
Stipulation do.	21	9
Appeal granted	22	10
Deposition of Chas. Culmell	23	10
" Jas. H. Ashbey	31	14
" Chas. Brown	42	19
" Fred'k C. Monsell	50	23
Certificate of British registry	59	27
Agreement for foreign-going ship	61	28
Certificate of James Fitzpatrick	63	31
Do. John V. Crawford	63	31
Manifest	64	32
Bill of health	66	32
Account current with Jas. H. Ashbey	67	33

	Original.	Print.
Protest of the captain and crew of steamer Sabine	68	34
Certificates of notary public	72	35
Account current with Edmonson & Culmell	74	36
Bill lading	75	37
Extract from log	77	38
Papers offered in evidence on leave to make further proof	91	49
Certificate of British consul at New Orleans	91	49
Power of attorney, Richard Alleyn to Ashbey	91	50
Bill of sale, Ashbey to Watson	94	51
Direct interrogatories	95	52
Answers to same	97	53
Affidavit of J. R. Beckwith	100	55
Notice to dist. attorney	103	55
Admission of do.	103	56
Motion of J. R. Beckwith	104	56
Clerk's certificate	105	56

1 United States of America, district court of the United States, southern district of Florida.

THE UNITED STATES
vs.
THE SCHOONER ANDROMEDA AND CARGO, GERALD THOS. WATSON, JAMES H. ASHBEY, CHAS. CULLMELL, CHARLES CARO, AND CLEMENT CARO, claimants. } Prize.

Be it remembered that on the fifth day of June, in the year of our Lord one thousand eight hundred and sixty-two, Thomas J. Boynton, esquire, attorney for the United States for said district, filed in the office of the clerk of said court his libel of information against the schooner Andromeda, her tackle, apparel, furniture, and cargo, in a cause of prize, in the words and figures following, to wit:

In the district court of the United States for the southern district of Florida.—In admiralty.

THE UNITED STATES
vs.
THE ANDROMEDA AND CARGO. } Prize.

2 *To the honorable William Marvin, judge of said court:*

The libel of Thomas J. Boynton, attorney of the United States for the southern district of Florida, who libels for the United States, and for all others in interest, against the ship or vessel called the Andromeda, her tackle, apparel, furniture, and cargo, in a cause of prize, alleges—

That, pursuant to instructions from the President of the United States, David Cate, of the United States navy, in and with the United States ship-of-war the Pursuit, her officers and crew, did, on the twenty-sixth day of May, in the year of our Lord one thousand eight hundred and sixty-two, subdue, seize, and capture on the high seas, as prize of war, the said ship or vessel called the Andromeda with a valuable cargo on board of the same; and that said vessel and cargo have been brought into the port of Key West, in the State of Florida, where the same now are within the jurisdiction of this court; and that the said vessel and cargo are lawful prize of war, and subject to condemnation and forfeiture as such.

Wherefore the said attorney prays that all persons having or claiming any interest in said vessel or cargo may be duly notified of the allegations and prayer of this libel, and cited to appear and
3 claim the same, that the nature, amount, and value of said cargo may be determined; and that, on proper proof being taken and heard, and all due proceedings being had, the said vessel the Andromeda, together with her tackle, apparel, furniture, and cargo, may, on the final hearing of this cause, by the definitive sentence and decree of this court, be condemned, forfeited, and sold, and the proceeds distributed according to law.

THOS. J. BOYNTON,
U. S. Att'y, So. D't of Fl'a.

Whereupon the following order was made and entered in this cause, to wit:

AT CHAMBERS, *June 5th*, 1862.

Let monition and attachment issue, returnable June 9th, 1862.

WM. MARVIN, *Judge.*

Whereupon, pursuant to the foregoing order of court, an attachment was issued to the marshal for said district, directing him to attach, seize, and take into his custody the said schooner Andromeda, her tackle, apparel, furniture, and cargo, to abide the further order of this court; which attachment was afterwards by him duly executed, and, with the return thereon endorsed, is on file in the clerk's office.

Also, on the same day, pursuant to said order, monition was
4 issued to the said marshal, directing him to cite and admonish all persons whomsoever having, or pretending to have, any right, title, claim, or interest in or to the said vessel the Andromeda, her tackle, apparel, furniture, and cargo, to appear at any admiralty session of said court, at Key West, in said district, on Monday, the ninth day of June, A. D. 1862, at ten o'clock in the forenoon of that day, to show cause, if any they have, why forfeiture should not be decreed according to the prayer of said libellant; which monition, with the return thereon endorsed, is on file in the clerk's office.

Afterwards, to wit, on the twelfth day of said month, the following order was made and entered in this cause, to wit:

AT CHAMBERS, *June 12th*, 1862.

Ordered, that the testimony taken before the prize commissioners in the case of the United States against the Andromeda be published.

WM. MARVIN, *Judge.*

Afterwards, to wit, on the thirteenth day of said month,
Gerald Thomas Watson, James H. Ashbey Charles Cullmell,
5 Charles Caro, and Clement Caro, by James R. Beckwith, esquire, their attorney in fact, filed in the office of the clerk of said court their claims to said vessel and cargo in the words and figures following, to wit:

United States district court for the southern district of Florida.

THE UNITED STATES, DAVID CATE, commanding the U. S. ship-of-war Pursuit, *et. al.*, captors, *vs.* THE ENGLISH SCHOONER ANDROMEDA, JAMES H. ASHBY, master.	Question of prize or no prize.

Now comes into the court now here, James R. Beckwith, the lawful attorney in fact of Gerald Thomas Watson, the lawful and true owner of the English schooner Andromeda, now held within the jurisdiction of this court as an alleged prize of war to the United States, duly appointed and empowered by the said Gerald Thomas

Watson, and says that the said Gerald Thomas Watson at the time of the capture of said schooner, was and still is the true, full, complete, entire, and bona fide owner of the said sch'r Andromeda, her tackle, apparel, and furniture, and that no other or different person or persons has or have any right, title, or interest in or to
6 the said *said* schooner; and that he, the said Gerald Thos. Watson, is entitled to the sole possession and control of the said schooner. And he further saith that the said schooner was illegally captured and is illegally detained, and that the said schr. is not a lawful prize of war, as alleged in the captors' libel filed and exhibited in this cause.

Now, therefore, by reason of the premises, the said Gerald Thomas Watson, a lawful subject of the Queen of England, now residing and doing business in the city of Havana, in the island of Cuba, by J. R. Beckwith, his duly appointed, constituted attorney in fact, for that purpose duly empowered, in the court now here, claims the said schooner Andromeda, her tackle, apparel, and furniture, as his sole property, and asks the said court to grant him restitution of the same, together with such damages as shall appear to have accrued to the said claimant by reason of the violent, wrongful, and illegal seizure and detention thereof, and grant unto the said claimant such other and further relief as shall seem meet and just.

GERALD THOMAS WATSON,
By J. R. BECKWITH,
JUNE 13TH, 1862. *His att'y in fact, claimant.*

7 SOUTHERN DISTRICT OF FLORIDA, *ss:*

J. R. Beckwith, being first duly sworn, deposeth and saith that he knows the contents of the foregoing claim; that he has reason to believe and does believe the same to be true as therein set forth, and that his knowledge of said facts was obtained by a thorough and complete investigation into the title of said vessel Andromeda, in the several offices where her transfers have been made, and from the knowledge that this deponent has of the business and office of the said claimant, who has for a long time exercised acts of ownership over said vessel.

J. R. BECKWITH.

Subscribed and sworn to before me this 13th day of June, A. D. 1862.

GEORGE D. ALLEN, *Clerk.*

United States district court for the southern district of Florida.

THE UNITED STATES, DAVID CATE, commanding the U. S. ship-of-war Pursuit, *et al.*, captors,
vs.
THE ENGLISH SCHOONER ANDROMEDA, HER CARGO, TACKLE, &C.
} Question of prize or no prize.

Now comes J. R. Beckwith, the fully empowered and duly
8 constituted attorney in fact of Charles Caro and *and* Clement

Caro, lawful subjects of the Emperor of France, now doing business under the name, style, and firm of Charles Caro and Company, residing and doing business in the city of Havana, in the island of Cuba, and for and in behalf of the said Charles Caro and Company, comes into the court now here, and saith that the said Charles Caro and Company were, at the time of her capture, and still are, the true, full, and sole owners of all the cargo of the English schooner Andromeda, excepting one hundred and ninety bales of cotton, to which said one hundred and ninety bales of cotton they make no claim. And they say further that no other or different person or persons has or have an interest or title therein, and that the said Charles Caro and Company are entitled to the possession of said cargo, and that the said schooner and cargo were illegally seized, and are wrongfully detained from the owners thereof, and that she is not a lawful prize of war, as alleged in the captors' libel filed and exhibited in this cause. Therefore, by reason of the premises, the said Charles Caro and the firm of Charles Caro and Company, residents of the island of Cuba, and subjects of the Emperor of France, by J. R. Beckwith,
9 their attorney in fact, duly empowered as affirmed for the purpose, in the court now here, claims all of the cargo of the said schooner Andromeda (excepting the one hundred and ninety bales of cotton aforesaid) as their sole and exclusive property, and ask the court now here to grant them restitution thereof, together with such damages as shall appear to have accrued to the said claimants by reason of the said violent, wrongful, and illegal seizure and detention of the said cargo of the said schooner; and that the said court further grant unto the said claimant such other and further relief as shall seem meet and just, &c.

JUNE 13, 1862.

CHARLES CARO & CLEMENT CARO.
CHARLES CARO & CO.
J. R. BECKWITH, *their attorney in fact.*

SOUTHERN DISTRICT OF FLORIDA, *ss:*

J. R. Beckwith, being duly sworn, deposeth and saith that he is the duly appointed attorney in fact of the above claimants; that he knows the contents of the foregoing claim, and that he has reason to believe, and does believe, that the matters and allegations set forth and contained in said claim are true as therein set forth; that his means of information are obtained from his knowledge of the
10 business of the said claimants.

J. R. BECKWITH.

Subscribed and sworn to before me this 13th day of June, A. D. 1862.

GEORGE D. ALLEN, *Clerk.*

Know all men by these presents that we, Gerald Thomas Watson and C. Caro & Co., merchants, residing in the city of Havana, in the island of Cuba, have made, constituted, and appointed, and by these presents do make, constitute, and appoint, James R. Beckwith, of

Key West, in the State of Florida, one of the United States of America, our lawful attorney in fact, with full powers, in our name, place, and stead, to do and transact all and any business, to sign and execute any and all pleading and papers necessary in the usual course of proctor, that shall or may be necessary to fully represent and defend our several claims and interests in and to the British schooner Andromeda and her cargo, which said schooner and cargo are now in the port of Key West, awaiting adjudication in the United States district court for the southern district of Florida, as a prize of war, to appear and claim for us in said court the same, and with as full power as we would have were we present in person; further
11 authorizing him to appeal from the judgment in said cause to the Supreme Court of the United States, should he deem it necessary or expedient for the protection of our rights, thereby ratifying all our said attorney may do by virtue of the premises.

HARANA, *7th June*, 1862.

P. P. CHAS. CARO & Co.
CLEMENT CARO.

Witness: J. H. ASHBEY
GERALD THOS. WATSON.

SOUTHERN DISTRICT OF FLORIDA, *ss:*

J. H. Ashbey, being duly sworn, deposeth and saith, that he witnesseth the execution and delivery of the within power of attorney, and knows that the same was executed by the parties thereto, for the purposes therein set forth.

JAMES H. ASHBEY.

Subscribed and sworn to before me this 13th day of June, A. D. 1862.

GEORGE D. ALLEN, *Clerk.*

Know all men by these presents that I, Charles Culmell, merchant, residing in the city of Houston, State of Texas, have made, constituted, and appointed, and by these presents do make, constitute, and appoint, James H. Ashbey, master of the British sch'r Andromeda, now lying in the port of Key West, in the State of Florida, one of the United States of America, my lawful attorney in fact, with
12 full power, in my name, place, and stead, to do and transact all and any business, to sign and execute any and all pleading and papers necessary in the usual course of proctor that shall, or may, be necessary to fully represent and defend my claim and interest in and on the British sch'r Andromeda and her cargo; which said schooner and cargo are now in the port of Key West, awaiting adjudication in the United States district court for the southern district of Florida, as a prize of war, to appear and claim for me, in the said court, the same, and with as full power as I would have were I present in person; further authorizing him to appeal from the judgment in said cause to the Supreme Court of the United States, should he deem

it necessary or expedient for the protection of my rights, thereby ratifying all my said attorney may do by virtue of the premises.

HAVANA, *June 7th*, 1862.

CHARLES CULMELL.

Witness:
F. AYALA.
O. A. SCHURCEDAW.

United States district court for the southern district of Florida.

THE UNITED STATES, DAVID CATE, comd'g the U. S. ship-of-war Pursuit, *et al.* captors,
vs.
THE ENGLISH SCHOONER ANDROMEDA, CARGO, TACKLE, &c.
} Questions of prize or no prize.

13 Now comes James H. Ashbey into the court now here, and says that he is a citizen of the State of Louisiana, and that he claims all the cargo of the said English schooner Andromeda not claimed by Charles Caro & Company, by their claim exhibited in this cause, which said unclaimed cargo consists of one hundred and ninety bales of cotton. This claimant further saith, that at the time of the capture of said schooner this claimant was, and still is, the true and lawful owner of one hundred bales of said cotton so of the cargo of the said sch'r aforesaid, and that the same were then, and still are, the absolute, full, and complete property of this claimant, and that he is entitled to the possession thereof.

And he further saith, that the remaining ninety bales of the cotton aforesaid, at the time of the capture of said schooner, were, and still are, the true, full, and exclusive property of Charles Culmell, a citizen of Denmark, and resident of the State of Texas, residing in the city of Houston; that this claimant is entitled to claim and receive possession of the said Charles Culmell, as his lawful attorney in fact, duly empowered and constituted for that purpose, as appears from this claimant's warrant of attorney hereto attached.

And this claimant further saith, that the capture of the said schooner Andromeda and cargo was wrongful, injust, and ille-
14 gal, and that the same are not a lawful prize of war.

Now, therefore, by reason of the premises, this claimant, James H. Ashbey, claims said one hundred and ninety bales of cotton aforesaid, and asks that this court grant unto him an order giving restitution in his own behalf of the said one hundred bales of cotton aforesaid, so being his own property as aforesaid, together with such damages as shall appear to have accrued to this claimant by reason of said illegal capture and detention; and that the court grant unto this claimant, for and on account of the said Charles Culmell, said ninety bales of cotton, which said cotton this claimant is authorized to claim and receive, by virtue of the power of attorney aforesaid; and further that the court award to the said Charles Culmell such damages as shall appear to have accrued to him by reason of the said illegal cap-

ture and detention of the said schooner and cargo, and that the court grant such other and further relief as shall be meet and just, &c.

JAMES H. ASHBEY.

SOUTHERN DISTRICT OF FLORIDA, *ss:*

James H. Ashbey, being first duly sworn, deposeth and saith, that he is the above named claimant; that he knows the contents
15 of the foregoing claim, and that the same are true as therein set forth. And he saith that his means of knowledge of said facts is obtained from his business connection with the purchase of the same and all thereof. And further saith not.

JAMES H. ASHBEY.

Subscribed and sworn to before me this 13th day of June, A. D. 1862.

GEORGE D. ALLEN, *Clerk.*

Afterwards, to wit, on Tuesday, the 17th day of said month, the parties to this cause appearing, Thomas J. Boynton, esquire, attorney for the United States, on behalf of the United States and captors, and James R. Beckwith, esquire, attorney in fact for the claimants; and being ready for trial, proclamation being duly made, the court proceeds to hear this cause upon the allegations and pleadings, the testimony taken in preparatorio, the papers, writings, and documents found on board said vessel. The cause having been argued by Thomas J. Boynton, esquire, attorney of the United States on behalf of the United States and captors, and James R. Beckwith, esquire, on behalf of the several claimants, when the claimants move the court for leave to offer further proof in this cause.

Afterwards, to wit, on the second day of July, the following order was made and entered in this cause, to wit:

16 THE UNITED STATES
vs.
THE ANDROMEDA AND CARGO.

Ordered, on motion of the claimants, that the claimant of the vessel, Gerald Thomas Watson, and the claimants of a portion of the cargo, Charles Caro and Clement Caro, have leave to produce further proof, as prayed by them; that such proof be taken upon written interrogatories and cross-interrogatories before the American consul or vice-consul in Havana, or either of them; that the interrogatories be crossed within four days after service thereof; that original letters and documents be in all cases produced, or a sufficient reason assigned for not producing such original; that the district attorney, or his appointee, have leave to inspect letter-books and books of account relative to this adventure, whenever he may require it, and to file an affidavit, taken before either of the above-named persons, of their contents and condition; that the said claimants have leave to produce their own affidavits, in explanation and verification of their own claim, in addition to the testimony taken on the interrogatories; that

the district attorney, on behalf of the captors, also have leave to produce further proof touching said matters.

WM. MARVIN, *Judge.*

17 THE UNITED STATES
vs.
SCH'R ANDROMEDA AND CARGO.

Afterwards, to wit, on the sixteenth day of said month of July, this cause coming on for a hearing on further proof, Mr. Beckwith, for the claimants, offered in evidence the deposition of James H. Ashbey, and a power of attorney from Alleyn to Ashbey, and a bill of sale of the vessel from Ashbey, as attorney in fact, to the claimant of the vessel, G. Thomas Watson, and also the affidavit of the said Beckwith; which deposition, power of attorney, bill of sale, and affidavit was thereupon excepted to, and their admission as testimony objected to by the district attorney, on the ground that the deposition, &c., were not taken in compliance with the order granting further proof, nor were they written out by or in the presence of any magistrate; nor the interrogatories propounded by any magistrate; also, because they are not the best evidence the cause admits of.

The court rejected the testimony offered, and the claimants' proctor excepted to the decision.

The cause was thereupon submitted to the court for final decision on the merits.

Afterwards, to wit, on Monday, the twenty-first day of said month of July, the court having fully considered the premises, pronounced its decree in this cause in open court, (the parties as aforesaid
18 being present,) in the words and figures following, to wit:

THE UNITED STATES
vs.
THE SCHOONER ANDROMEDA AND CARGO. } Prize.

This vessel, sailing under a British register, having been captured by the United States bark Pursuit, on the 26th day of May last, and sent into this port for adjudication, and it appearing to the court, from the depositions and papers in the cause, that the vessel was built in the State of New York; that she was transferred, at New Orleans, in May, 1861, by her then owners, James H. Ashbey being one of them, to Richard Alleyn, described in the register as being of Baltimore, in the county of Cork, in Ireland, residing at the time in New Orleans, and a British register subsequently obtained for her in his name at Nassau, Ashbey being master; that in March, 1862, she was again transfered to the claimant, Gerald Thomas Watson, claiming to be a British subject, residing at Havana, by Ashbey, acting as attorney in fact for M. Alleyn; that soon after such latter transfer she sailed from Havana, with Ashbey as master, on a pretended
19 voyage, under a pretended charter-party, not produced before the court, to go to Matamoras, but the vessel, instead of going to Matamoras, went into the Sabine Pass in Texas, the master saying

in his deposition, that he had verbal directions from the charterer to do so, if he found the Sabine Pass not blockaded; that she there discharged her cargo, and the same was sold, producing the net sum of $14,931 86, which sum was credited in the account sales to the vessel and owners, not to the charterer or shipper of the goods; that she thereupon took on board 597 bales of cotton and 291 hides, which, it appears by the bill of lading found on board, were shipped by Messrs. Edmonston & Culmell. the ship's agents for the sale of the cargo arrived from Havana; that the said cotton and hides were consigned in one bill of lading to Charles Caro & Co., in Havana; that the vessel sailed from the Sabine Pass with said cargo, and was captured on the voyage; that the claims for the said vessel and cargo now exhibited before the court are all presented by said Ashbey; that he claims the vessel as agent of Gerald Thomas Watson; that he claims one hundred bales of the cotton as his own—ninety bales of the cotton he claims under a power of attorney as agent for Mr. Culmell, the shipper, who had destroyed his bill of lading and invoice, and who resides in Texas, and the residue he claims under a power of attorney as
20 agent for Messrs. Charles Caro & Co., of Havana; that the said Ashbey says in his deposition that he was born in the State of New York, now resides in the State of Louisiana, is a citizen of that State, and owes allegiance to the Confederate States, and is not a citizen of the United States. And it further appearing that the said Ashbey has all along continued in the command of the said vessel, notwithstanding the pretended sales and transfers to Mr. Alleyn and Mr. Watson, and has constantly acted as though the vessel was his own; and that as to the four hundred and seven bales of cotton, and the two hundred and ninety-one hides, which he claims as agent for Messrs. Caro & Co., of Havana, there is no evidence that they have taken any further interest in them than to sign a power of attorney to Ashbey to claim them, notwithstanding an order for further proof has heretofore been granted to allow them to exhibit proof of their title:

Under these circumstances it is the opinion of the court that the several transfers of this vessel, and the claim exhibited in the name of Charles Caro & Co., to the four hundred and seven bales of cotton, and to the hides, are mere attempts to cover up hostile property by the use of neutral names, and that Ashbey is in all probability
21 the owner of the vessel and cargo, except the ninety bales claimed by him on behalf of Culmell, who resides in Texas.

It is therefore ordered and decreed that the said vessel, her tackle, apparel, and furniture, and her cargo, be condemned and confiscated to the United States as enemy property, and that the marshal proceed to advertise and sell the same at public auction, and bring the proceeds into court according to law, after having first caused the same to be appraised by appraisers to be appointed by the court.

WM. MARVIN, *Judge.*

Whereupon the claimants show to the court that the matter in dispute exceeds the sum of two thousand dollars, and thereupon, in open court, claims an appeal from said final decree to the Supreme Court of

the United States; and it is ordered that the same be accordingly allowed on their filing bonds and stipulations as required by statute.

Afterwards, to wit, on the twenty-third day of said month of July, the following stipulation was filed in the clerk's office, to wit:

District court of the United States for the southern district of Florida.

THE UNITED STATES
vs.
THE SCH'R ANDROMEDA AND CARGO. } Prize.

22 Whereas an appeal has been taken to the Supreme Court of the United States from the final decree of this court, made on the twenty-first day of July, one thousand eight hundred and sixty-two, in the above-entitled cause, wherein the United States and others are libellants against the schooner Andromeda, her tackle, &c., and cargo, defendant and appellant—

Now, therefore, the stipulators undersigned hereby stipulate, in the sum of two hundred and fifty dollars, to pay all costs and damages that may be awarded against the appellants in the appellate court, and to prosecute said appeal to effect in said appellate court.

CHARLES CARO,
CLEMENT CARO,
By J. R. BECKWITH,
Their attorney in fact, as per power on file.
JAMES FILOR.
JAMES H. ASHBEY.

Taken and acknowledged, and sureties approved, this 23d day of July, 1862.

GEORGE D. ALLEN,
Clerk U. S. Dist. Court.

Whereupon it is ordered that said appeal be accordingly allowed.

23 On the hearing of this cause the following depositions, papers, documents, letters, and writings were read in evidence.

Deposition of Charles Culmell before George D. Allen, prize commissioner, at the district court rooms, Key West, May 30th, 1862.

1st interrogate. To the first interrogatory deponent answers, that he was born in Denmark. He now lives in Texas; has lived in the State of Texas nine years. He has been in the United States since he was sixteen years of age; has commanded American vessels, and been considered a citizen of the United States. Is married; wife lives in Texas.

2nd interrogate. To the second interrogatory deponent answers, that he was present at the time of capture.

3rd interrogate. To the third interrogatory deponent answers, that she was captured, as near as he can judge, about ten miles off the coast of Cuba, on the 26th day of May instant. She was taken into

the port of Key West. She had no commission or letters authorizing her to make prizes. She was seized because she came from Texas, as he heard the captors say.

4th interrogate. To the fourth interrogatory deponent answers, that she sailed under the British flag; he don't know what other colors she had on board.

5th interrogate. To the fifth interrogatory deponent answers, that no resistance was made to the capture. The bark Pursuit fired
24 four or five shots. One shot was fired after the Andromeda was hove to, with colors set, which passed over her and fell about twenty-five to fifty yards beyond. The bark Pursuit made the capture. One other vessel, an English bark, in sight at the time. The Andromeda is a merchant vessel. The Pursuit is an armed vessel of eight guns, and about one hundred men.

6th interrogate. To the sixth interrogatory deponent answers, that he don't know what commission the Pursuit had. She made the capture alone. The Andromeda has not been condemned.

7th interrogate To the seventh interrogatory deponent answers, that her name is the Andromeda; J. H. Ashby was master; he don't know who appointed him to the command, nor when, nor who delivered her to him. The master's family lives in New Orleans; he was born, as he heard him say, in New York. He don't know what country the master is a subject or citizen of.

8th interrogate. To the eighth interrogatory deponent answers, that the Andromeda is about two hundred and twenty-nine tons burthen. She had eight, all told, belonging to the company of the vessel, all on board when she was taken. He don't know what countrymen they are. He don't know where they joined her, nor who shipped them.

25 9th interrogate. To the ninth interrogatory deponent answers, that he was a passenger on board the Andromeda; he had ninety bales of cotton on board, in value about nine thousand dollars at Havana. The master owned one hundred bales of cotton on board; he don't know what other interest the master or other persons on board had in the vessel or cargo.

10th interrogate. To the tenth interrogatory deponent answers, that he has known the vessel about three weeks; first at Sabine Pass, Texas, the early part of the present month. She had no guns. She had eleven persons all told, passengers included, on board. She was an American-built vessel; her name is the Andromeda; he never knew of any other name by which she has been called.

11th interrogate. To the eleventh interrogatory deponent answers, that she was bound to Havana. The voyage began at Sabine Pass, Texas, and would have ended at Havana. She had cotton and hides on board when she left Sabine Pass, and the same on board when she was taken, which were put on board in April and May, 1862; she had no other articles on board that he knew of.

12th interrogate. To the twelfth interrogatory deponent answers, that she had a register as a British vessel—he don't know where it was issued—and a manifest of cargo. There was no consul at the port of Sabine Pass of any nation. She came out from Sabine Pass

26 on the 10th instant, and proceeded to sea on the 11th. The voyage began at Sabine and would have ended at Havana. She brought a cargo of coffee, starch, kerosene oil, soap, candles, and shoes, which were delivered at Sabine, and took on board the cargo of cotton and hides.

13th interrogate. To the thirteenth interrogatory deponent answers, that she had about 595 bales of cotton and 290 hides on board when she left Sabine, and the same on board when she was taken, which were put on board in April and May, 1862.

14th interrogate. To the fourteenth interrogatory deponent answers, that he don't know who owned the vessel. Messrs. C. Caro & Co., of Havana, owned the cargo, except that owned by the master and himself. Messrs. C. Caro & Co., he believes, are French merchants doing business in Havana; and further he saith not.

15th interrogate. To the fifteenth interrogatory deponent answers, that he knows nothing about any sales or transfers of the vessel.

16th interrogate. To the sixteenth interrogatory deponent answers, that the cargo was put on board at Sabine, Texas, in April and May, 1862. Messrs. Edmondson and Culwell shipped the cargo. Mr. Edmondson is a citizen of the Confederate States; lives in Texas; he is American by birth. The master, Messrs. C. Caro, and himself, owned the cargo. The cargo was consigned to Messrs. C. Caro
27 & Co., and was to be delivered at Havana for and on account, risk, and benefit, of the above parties; and if restored, did and will belong to the same parties and none others—consisting of about 595 bales of cotton and 290 hides, in parcels, as before stated.

17th interrogate. To the seventeenth interrogatory deponent answers, that there were three bills of lading signed for the cotton on board, all true and fair like the one delivered.

18th interrogate. To the eighteenth interrogatory deponent answers, that he had bills of lading and invoices of the cargo to show his own interest. The invoices and bill of lading of his own individual interest were destroyed before the capture.

19th interrogate. To the nineteenth interrogatory deponent answers that she was in lat. about 23° 14′ N., long. about 82° 40′ W., when taken on the 26th of May inst., about half past four o'clock, p. m. She was about ten or eleven miles from Port Mariel, off the coast of Cuba. There was no charter-party for the voyage.

20th interrogate. To the twentieth interrogatory deponent answers, that she had a log-book, manifest, register, and bills of lading, and invoices of the cargo on board when she left Sabine. The invoices and bill of lading of the portion of cargo owned by himself were thrown overboard; he don't know who threw them overboard, but he gave them to the steward with orders to have them thrown overboard on the day of capture.

21st interrogate. To the twenty-first interrogatory deponent
28 answers, that he knew that the port of Sabine and other Texas ports were at war with the United States. The port of Sabine had not been blockaded for some time previous to the sailing of the Andromeda from that port.

22nd interrogate. To the twenty-second interrogatory deponent an-

swers, that he knew there had been a declaration of blockade, by the President of the United States of the southern ports. No notice had been given the master, or written on the vessel's papers, of the blockade.

23rd interrogate. To the twenty-third interrogatory deponent answers, that he don't know.

24th interrogate. To the twenty-fourth interrogatory deponent answers, that she had not attempted to go in or out of the port of Sabine, without success.

25th interrogate. To the twenty-fifth interrogatory deponent answers, that she has not been condemned as a prize.

26th interrogate. To the twenty-sixth interrogatory deponent answers, that he would lose, if condemned, his portion of the cargo. No indemnity, or satisfaction, or promise thereof, has been received for this loss.

27th interrogate. To the twenty-seventh interrogatory deponent answers, that there is no insurance on either vessel or cargo, that he knows of.

28th interrogate. To the twenty-eighth interrogatory deponent answers, that 405 bales of cotton and 290 hides would belong to Messrs. C. Caro & Co., of Havana; 100 bales of cotton to the master;
29 90 bales to himself, on its arrival at Havana.

29th interrogate. To the twenty-ninth interrogatory deponent answers, that the cargo was Texan grouth.

30th interrogate. To the thirtieth interrogatory deponent answers, that the cargo was taken on board at the wharf in Sabine, in April and May.

31st interrogate. To the thirty-first interrogatory deponent answers, that there is a copy of the bill of lading, and an invoice of the cargo at Houston, Texas.

32nd interrogate. To the thirty-second interrogatory deponent answers, that the officers from the bark Pursuit took some of the papers of the vessel; he don't know where they are now.

33rd interrogate. To the thirty-third interrogatory deponent answers, that bulk was not broken.

34th interrogate. To the thirty-fourth interrogatory deponent answers, that there were three passengers, Mr. Pix—an Englishman, lives at Galveston; he has no profession; Mr. Heidelberger, a German trader at Houston; both came on board at Sabine Pass, and were going to Havana, thence to the north; he don't know upon what business; himself lives at Houston, Texas; is a merchant; came on board at Sabine; was going to Havana on business connected with the cargo. He don't know the residence of the company of the vessel, other than the master.

35th interrogate. To the thirty-fifth interrogatory deponent answers, that he knows nothing about the papers of the vessel. The papers relating to the cargo were true and fair; he made oath to the manifest before the collector of the port of Sabine, and paid the fees for
30 the same. He don't know of any one having a passport on board. He don't know of any papers relating to the vessel or cargo, other than those before mentioned.

36th interrogate. To the thirty-sixth interrogatory deponent answers, that he first saw the Pursuit about 4 o'clock on the afternoon of capture. The Andromeda was steering east by north ; she changed her course to East-NE., and afterwards to the north. She made her most direct course from Sabine for Havana the wind would permit. She was about eighteen miles from Havana when taken. She had not seen any other United States man-of-war on the voyage.

37th interrogate To the thirty-seventh interrogatory deponent answers, that he don't know.

38th interrogate. To the thirty-eighth interrogatory deponent answers, that she had no arms or ammunition on board. She had only cotton and hides on board.

39th interrogate. To the thirty-ninth interrogatory deponent answers, that the vessel and cargo were owned and destined as before stated.

40th interrogate. To the fortieth interrogatory deponent answers, that she had no convoy or any instructions of the kind.

41st interrogate. To the forty-first interrogatory deponent answers, that she has not entered or come out of any port under blockade to his knowledge.

31 42nd interrogate. To the forty-second interrogatory deponent answers, no.

43rd interrogate. To the forty-third interrogatory deponent answers, that she has not so acted.

1st additional interrogate. To the first additional interrogatory deponent answers, that she would have entered Havana first had she not been taken. He cannot tell where she would have gone from Havana.

2nd additional interrogate. To the second additional interrogatory deponent answers, that she draws about eight feet, cotton-loaded, and was fully laden when taken.

3rd additional interrogate. To the third additional interrogatory deponent answers, that he did not hear any one connected with the vessel or cargo, as owner, agent or shipper, say anything about the vessel's going to any blockaded port, after going to Havana ; nor from any one on board.

Deposition of James H. Ashby, at the district court rooms, Key West, before George D. Allen, prize commissioner, May 31st, 1862.

1st interrogate. To the first interrogatory deponent answers, that he was born in New York ; he now lives in Louisiana, and owes allegiance to Louisiana and the Confederate States ; is not a citizen of the United States ; is married ; wife and family live in the State of Louisiana.

2nd interrogate To the second interrogatory deponent answers, that he was present at the time of capture.

3rd interrogate. To the third interrogatory deponent an-
32 swers, that she was captured off the coast of Cuba, about eighteen miles to the westward of Havana, from five to eight miles from the coast. She was taken into Key West. She had no

commission or letters authorizing her to make prizes. She was seized, as he believes, on pretence of her having run the blockade.

4th interrogate. To the fourth interrogatory deponent answers, that she sailed under the English flag. She had the American ensign on board, which was on board when he took command.

5th interrogate. To the fifth interrogatory deponent answers, that no resistance was made to the seizure. Four guns were fired by the bark Pursuit—first one blank cartridge, then two shell, when the Andromeda was hove to, and immediately after another shell. The bark Pursuit made the capture. One bark and one brig in sight at the time. The Andromeda is a merchant vessel. The Pursuit is a United States armed bark.

6th interrogate. To the sixth interrogatory deponent answers, that he don't know what commission the Pursuit had. The Pursuit made the capture alone. He don't know as the Andromeda has been condemned.

7th interrogate. To the seventh interrogatory deponent answers, that her name is the Andromeda. Himself was master. Mr. Watson, the owner, appointed him to the command in Havana. He
33 has known the vessel about 2 years. He first took possession of her in New York, in October, 1860. Thomas Rowland delivered her to him as master.

8th interrogate. To the eighth interrogatory deponent answers, that she is about two hundred and twenty-seven tons burthen. She had eight all told of the ship's company, all on board when she was taken. They were of several nationalities. The steward joined her in New York, in November last, the remainder of the crew came on board in Havana in March. All were shipped by his orders by a shipping-master.

9th interrogate. To the ninth interrogatory deponent answers, that he belonged to the company of the vessel; was master. He had one hundred bales of cotton, in value about ten thousand dollars, on board. No one else of the vessel's company owned any part of the vessel or cargo.

10th interrogate. To the tenth interrogatory deponent answers, that he first saw the vessel at Bridgeport, Connecticutt, in 1860. She had no guns. She had eleven men, passengers included, on board. She was an American-built vessel. Her name was the Andromeda. She has never been called by any other to his knowledge.

11th interrogate. To the eleventh interrogatory deponent answers, that she was bound from Sabine to Havana. The voyage began at Havana, and would have ended on her return to Havana. She carried coffee, oil, starch, candles, soap, shoes, and salt, when she
34 sailed from Havana. She had cotton and hides on board when she was taken, which were put on board in April and May 1862. She had no goods on board during the voyage, contraband of war or prohibited by law to his knowledge.

12th interrogate. To the twelfth interrogatory deponent answers, that she had a British register issued at Nassau, New Providence, and a manifest of cargo from Sabine, Texas. She sailed from Havana to Sabine, Texas, and was taken on her return passage. The

voyage began at Havana, and would have ended at Havana. She carried a cargo of sugar and molasses from Havana to New York, which was delivered at New York; from New York to Havana she carried a general cargo, which was delivered at Havana; the voyage last before the one on which she was taken. She carried coffee, soap, salt, shoes, starch, candles, and oil, from Havana, which was delivered at Sabine; and took cotton and hides which was on board when she was taken. She sailed from Sabine May 10th, 1862.

13th interrogate. To the thirteenth interrogatory deponent answers, that she carried coffee and other articles as mentioned, when she sailed from Havana; and took about 597 bales of cotton and 291 hides on her return passage, which were put on board in April and May, 1862, and was on board when taken.

35 14th interrogate. To the fourteenth interrogatory deponent answers, that Mr. Watson, a British subject by birth, owns the vessel; he was in Havana when the vessel sailed on this voyage; he don't know how long he lived there; he previously lived in London; he is a British subject; he don't know as he has a wife. Mr. Charles Caro, a French merchant doing business in Havana, owns a part of the cargo; he knows nothing further about him. Mr. Charles Culmell owns part of the cargo; he is Danish by birth; lives, wife and family, in Texas; he has known of his residing there the last ten years; he don't know what county or State he is a subject or citizen of; himself owns part of the cargo.

15th interrogate. To the fifteenth interrogatory deponent answers, that a bill of sale was made in March, 1862, to Mr. Watson, from Mr. Richard Allen, at Havana, before the British consul; no other engagements were made; he last saw the bill of sale at the British consul's office in Havana.

16th interrogate. To the sixteenth interrogatory deponent answers, that the cargo was put on board in Sabine, Texas, in April and May, 1862. Messrs. Edmondson & Culmell shipped the cargo. He don't know what countryman Mr. Edmondson is; has known him in Texas about eight years. Mr. Culmell owned 90 bales of cotton; Mr. Charles Caro owns 407 bales of cotton and 291 hides; himself owns 100 bales of cotton. All of the cargo was consigned to Messrs. C. Caro

36 & Co., Havana; to be delivered at Havana, for the account, risk, and benefit of the parties above mentioned; and if restored, did, do, and will belong to the said parties, and none others.

17th interrogate. To the seventeenth interrogatory deponent answers, that one set of three bills of lading were signed for the cargo on board; all true and fair, and like the one delivered.

18th interrogate. To the eighteenth interrogatory deponent answers, that there was a bill of lading, register of the vessel on board. The officer who came on board of the vessel from the bark Pursuit, took the register of the vessel, and bill of lading of the cargo. He last saw them in the hands of the commander of the bark Pursuit.

19th interrogate. To the nineteenth interrogatory deponent answers, that she was in lat. about 23° 5′ N., long. 82° 45′ W., when taken on the 26th day of May, inst., about five o'clock in the afternoon, near the port of Havana. There was a charter-party for the voyage which

was destroyed before the capture. The vessel was chartered to go from Havana to Matamoras, and to return to Havana, for the sum of twenty-five hundred dollars out, and twenty-five hundred dollars back; himself and Mr. Watson, the owner, on the part of the vessel, and Mr. Charles Caro was the charterer; made at Havana in
37 March, 1862. He had verbal instructions from Mr. Charles Caro, the charterer, with the knowledge of Mr. Watson, to enter the port of Sabine, if that port was not blockaded, and if warned off the coast to proceed to Matamoras

20th interrogate. To the twentieth interrogatory deponent answers, that she had a register, manifest, bill of health, shipping articles, bill of lading, charter-party, letters of instructions, custom-house clearances and invoice of cargo; some papers were thrown overboard before the capture; he don't know what. He thinks Mr. Culmell had papers thrown overboard.

21st interrogate. To the twenty-first interrogatory deponent answers, that he did not know of any state of war existing at Havana with the United States, or that Havana was blockaded.

22nd interrogate. To the twenty-second interrogatory deponent answers, that he did not know of any order of blockade by the government of the United States of the port of Havana.

23rd interrogate. To the twenty-third interrogatory deponent answers, that the register was examined by a revenue officer of the United States, at the port of New York, in November, 1861; no endorsement was made on the vessel's papers.

24th interrogate. To the twenty-fourth interrogatory deponent answers, that he never knew her to attempt to run any blockade.

25th interrogate. To the twenty-fifth interrogatory deponent answers, no.

26th interrogate. To the twenty-sixth interrogatory deponent
38 answers, that he would lose, if the vessel and cargo were condemned, his interest in the cargo and his pay as master. He has not received any indemnity or satisfaction, or promise of satisfaction, for any loss in consequence of the seizure and detention.

27th interrogate. To the twenty-seventh interrogatory deponent answers, that there is no insurance on the vessel or cargo that he is aware of.

28th interrogate. To the twenty-eighth interrogatory deponent answers, that the chance of the market would, he believes, be for the several owners, as before stated.

29th interrogate. To the twenty-ninth interrogatory deponent answers, that the cargo was grown in Texas.

30th interrogate. To the thirtieth interrogatory deponent answers, that the cargo was taken on board from the wharf at Sabine, Texas, in April and May.

31st interrogate. To the thirty-first interrogatory deponent answers, that the bill of sale of the vessel is at the British consul's office in Havana. He believes a copy of the charter-party was left in the hands of C. Caro, the charterer, in Havana, also a copy of letters of instructions; and he believes a copy of bill of lading with the shippers at Sabine, and copy of manifest and invoices.

32nd interrogate. To the thirty-second interrogatory deponent answers, that the officers of the Pursuit took the papers and
39 letters which were found on board after the capture. He believes the same is in the custody of the court.

33rd interrogate. To the thirty-third interrogatory deponent answers, bulk was not broken.

34th interrogate. To the thirty-fourth interrogatory deponent answers, that there were three passengers on board, Mr. Pix, Mr. Heidelberger, and Mr. Culmell; Mr. Pix is English, he is a merchant, Mr. Heidelberger a merchant, is a German, both came on board at Sabine, and were going to Havana; he don't know upon what business; neither of them had any interest or authority in the vessel or cargo. Mr. Culmell is a merchant; is a Dane; came on board at Sabine; was going to Havana; he was interested in the cargo of the vessel. Neither of the passengers had any commission to his knowledge. No one secreted on board. The passengers all had been residing in the State of Texas.

35th interrogate. To the thirty-fifth interrogatory deponent answers, that all the papers were true and fair; he knows of no matter or circumstance to affect their credit. The register of the vessel was obtained by himself for the owner at the time, at the custom-house, Nassau; he did not make oath to obtain it, but surrendered a provisional register; the present register is a permanent one; it was obtained for this vessel only, and the fees paid for the same. The vessel was in Nassau when the register was issued. The manifest
40 of cargo was made out at the custom-house, Sabine, and sworn to by himself and the fees paid for the same. Mr. Pix and Mr. Heidelberger had passports issued by the English and Dutch consuls, at Galveston. He don't know of any papers relating to the vessel or cargo other those before mentioned. He signed the charter-party, manifest, and bills of lading.

36th interrogate. To the thirty-sixth interrogatory deponent answers, that he first saw the bark Pursuit about a half hour before the capture, the Andromeda was then steering east for Havana; the wind was about southeast by south. The Pursuit he thought was a Spanish man-of-war, and thinks she had a Spanish ensign set. The Andromeda changed her course to the northward; she had pursued her direct course from Sabine for Havana, as near as the wind would permit; she was about seventeen or eighteen miles from Havana when taken. He had seen a United States man-of-war off the port of Sabine when the Andromeda was in that port; he had not seen any other after leaving Havana till he saw the bark Pursuit.

37th interrogate To the thirty-seventh interrogatory deponent answers, that she was sold by himself and the other owners at the time, to Richard Allen at New Orleans, of Baltimore county, Cork, Ireland, in May, 1861, for the sum of twelve thousand dollars,
41 which sum was paid by the said Allen, and was a fair price for the vessel; the transfer was truly made and a bona fide sale; she was sold by himself, being the attorney of said Allen, to Mr. Watson, the present owner in Havana, in March, 1862, for the sum of twelve thousand dollars, which sum was paid in money, and

was a fair price for the vessel, and was a true bona fide sale and transfer; if restored she would belong to Mr. Watson.

38th interrogate. To the thirty-eighth interrogatory deponent answers, that she had no guns, arms, or ammunition, belonging to her on board; she had no other articles than cotton and hides on board.

39th interrogate. To the thirty-ninth interrogatory deponent answers, that the vessel and cargo were owned and destined as before stated.

40th interrogate. To the fortieth interrogatory deponent answers, that she had no convoy; he had no instructions or directions of the kind.

41st interrogate. To the forty-first interrogatory deponent answers, that she has not attempted to enter or come out from any port under blockade.

42nd interrogate. To the forty-second interrogatory deponent answers, no.

43rd interrogate To the forty-third interrogatory deponent answers, no.

1st additional interrogatory. To the first additional interrogatory deponent answers, that she would have entered Havana first; he don't know to what port she would have gone next.

2nd additional interrogate. To the second additional inter-
42 rogatory deponent answers, that she draws about eight feet and a half when fully laden with cotton, and was fully laden when taken.

3rd additional interrogate. To the third additional interrogatory deponent answers, that he has not heard any one say where she would go to after going to Havana.

Deposition of Charles Brown, at the district court rooms, Key West, before George D. Allen, prize commissioner, June 2nd, 1862.

1st interrogate. To the first interrogatory deponent answers, that he was born in Sweden; he has been sailing from New Orleans, New York, and other American ports since 1858; he is a subject of and owes allegiance to the King of Sweden and Norway; is not a citizen of the United States; is not married; has sailed in the brig Nahum Stetson between New Orleans and Tampico, and the schooner Tune between New Orleans and Tampico, thence to Berwicks bay, thence to Havana, thence from Havana to Tampico, and was taken near Barataria bay as a prize, and was carried to New York.

2nd interrogate. To the second interrogatory deponent answers, that he was present at the time of capture.

3rd interrogate. To the third interrogatory deponent answers, that she was captured on the 25th or 26th day of May inst., near Mariel, on the coast of Cuba; she was about six or seven miles off the land when first pursued and was captured about half or three quar-
43 ters of an hour after. He don't know as she had any commission. He heard the officers that came on board from the Pursuit say that she was a prize because she was from Texas.

4th interrogate. To the fourth interrogatory deponent answers,

that she sailed under the English flag; she had no other colors on board that he saw.

5th interrogate. To the fifth interrogatory deponent answers, that there was no resistance made to the seizure. The bark Pursuit fired three or four guns. She made the capture. One frigate and two or three merchant vessels in sight at the time. The Andromeda is a merchant vessel. The Pursuit is an armed vessel, sailing under the United States flag, of eight guns.

6th interrogate. To the sixth interrogatory deponent answers, that he don't know what commission the Pursuit had. She made the capture alone. The Andromeda has not been condemned as he knows.

7th interrogate. To the seventh interrogatory deponent answers, that her name is the Andromeda. Capt. James H. Ashby is master. He has known the vessel since October last, and Capt. Ashby about one year. He don't know where Captain Ashby took command of the vessel, or who appointed him to the command, or when. Further he don't know.

8th interrogate. To the eighth interrogatory deponent answers, that the Andromeda is about two hundred and twenty-seven tons.
44 She had eight, all told, belonging to her, all on board when she was taken. Himself and the steward first joined her in New York and was reshipped in Havana in February last. The others first joined her in Havana, in February, and were shipped by a shipping master.

9th interrogate. To the ninth interrogatory deponent answers, that he was mate of the Andromeda. He don't know as the master or any one else on board had any interest in the vessel or her cargo.

10th interrogate. To the tenth interrogatory deponent answers, that he has known said vessel since October last. First saw her in Havana. She had no guns. Eleven men, all told, passengers included, were on board of her. She was an American built vessel, he believes. Her name is the Andromeda. He never knew of her being called by any other name.

11th interrogate. To the eleventh interrogatory deponent answers, that she was bound to Havana. The voyage began at Havana and would have ended in Havana. She carried coffee, salt, oil, soap, starch, candles, and shoes, when she sailed from Havana. She had cotton and hides on board when she was taken, which was put on board in April and May, 1862. He don't know as she had any contraband or prohibited goods on board.

12th interrogate. To the twelfth interrogatory deponent
45 answers, that he don't know anything about her papers. She sailed from Havana to Sabine, Texas, from Sabine she sailed for Havana, and was captured on the passage. She carried coffee, soap, salt, oil, candles, starch, and shoes, from Havana, which were landed at Sabine pass. She brought cotton and hides from Sabine. She sailed from Havana about the 8th day of March, and from Sabine about the 10th day of May.

13th interrogate. To the thirteenth interrogatory deponent answers, that she carried coffee, soap, salt, and other articles as mentioned, from Havana, and cotton, hides, when she was taken. She had 597

bales of cotton and about 300 hides on board when taken, which were put on board in April and May, 1862.

14th interrogate. To the fourteenth interrogatory deponent answers, that he don't know.

15th interrogate. To the fifteenth interrogatory deponent answers, that he don't know.

16th interrogate. To the sixteenth interrogatory deponent answers, that the cargo was taken on board at Sabine pass, Texas, in April and May, 1862, and was to be landed at Havana, and further he don't know.

17th interrogate. To the seventeenth interrogatory deponent answers, that he don't know.

18th interrogate. To the eighteenth interrogatory deponent answers, that he had no papers or letters relating to the vessel or her cargo. He don't know what papers or letters were on board.

19th interrogate. To the nineteenth interrogatory deponent
46 answers, that said vessel was in lat. as entered in the log-book by himself, when at 12 o'clock on the day she was taken. She was taken about five o'clock in the afternoon, on the 25th or 26th of May, on Monday. She was near Mariel, on the coast of Cuba. He don't know of any charter-party for the voyage.

20th interrogate. To the twentieth interrogatory deponent answers, that there was a log-book on board. He don't know of any letters, documents, or writings on board. No papers, letters, or writings of any kind thrown overboard or destroyed, to his knowledge.

21st interrogate. To the twenty-first interrogatory deponent answers, that he did not know of any blockade or state of war existing at Havana. He knew that there was war with the United States, in Texas. He knew by the papers that the southern ports were blockaded. One steamer came and fired at a river steamer near Sabine pass, about two or three days after the Andromeda got into that port. He did not see any other armed vessel on the coast while the Andromeda was there.

22nd interrogate. To the twenty-second interrogatory deponent answers, that he had heard that the government of the United States had ordered a blockade of the southern ports. He don't know anything further about the matter in question.

23d interrogate. To the twenty-third interrogatory deponent
47 answers, that the register of the vessel had not been examined by any officer of the United States while he was on board of her, before the capture.

24th interrogate. To the twenty-fourth interrogatory deponent answers, that she has not attempted to go in or come out of any port when it was blockaded, that he knows of.

25th interrogate. To the twenty-fifth interrogatory deponent answers, that he don't know.

26th interrogate. To the twenty-sixth interrogatory deponent answers, that he would lose his wages if the vessel is condemned. He has not received any indemnity or satisfaction, or promise of satistion, for the loss.

27th interrogate. To the twenty-seventh interrogatory deponent answers, that he don't know.

28th interrogate. To the twenty-eighth interrogatory deponent answers, that he don't know.

29th interrogate. To the twenty-ninth interrogatory deponent answers, that he believes the cargo was grown in Texas.

30th interrogate. To the thirtieth interrogatory deponent answers, that the cargo was taken on board from the wharf at Sabine, in April and May.

31st interrogate. To the thirty-first interrogatory deponent answers, that he don't know.

32nd interrogate. To the thirty-second interrogatory deponent answers, that the officers from the bark Pursuit took some papers from the vessel on the afternoon of the capture. He don't know where they are now.

33rd interrogate. To the thirty-third interrogatory deponent answers, that bulk was not broken.

48 34th interrogate. To the thirty-fourth interrogatory deponent answers, that there were three passengers on board, Mr. Culmell, Mr. Pix, and a German. Mr. Culmell, he believes, is a Dane; he believes that he is a merchant in Texas; he came on board at Sabine Pass, and was going to Havana; he don't know on what business. Mr. Pix he don't know anything about; he came on board at Sabine Pass; was going to Havana; he don't know upon what business. The German told him that he had been trading at Houston; he came on board at Sabine Pass; was going to Havana to go to Europe to see his family. He don't know that either of these passengers had any interest in the vessel or cargo. No one secreted on board. He don't know where any of the crew live.

35th interrogate. To the thirty-fifth interrogatory deponent answers, that he knows nothing about any of the papers relating to the vessel, or cargo, or passengers. He has not written or signed any letters or papers relating to the vessel or cargo.

36th interrogate. To the thirty-sixth interrogatory deponent answers, that he first saw the bark Pursuit about four o'clock on the afternoon of the capture. The Andromeda was then steering east by north. The wind was southeast. After seeing the Pursuit coming down for us the Andromeda stood off to the northward. She had been

49 making her course from Sabine for Havana as near as the wind would permit. She was about twenty-three or twenty-four miles from Havana when she was taken. He saw one man-of-war off Sabine Pass when the Andromeda was there; she lay off that place about twenty-four hours.

37th interrogate. To the thirty-seventh interrogatory deponent answers, that he don't know.

38th interrogate. To the thirty-eighth interrogatory deponent answers, that she had no guns, no arms, or ammunition, on board. She had none of the articles enquired about on board.

39th interrogate. To the thirty-ninth interrogatory deponent answers, that he don't know who owns the vessel or cargo. She was going to Havana.

40th interrogate. To the fortieth interrogatory deponent answers, that she had no convoy. He don't know of any such instructions or directions.

41st interrogate. To the forty-first interrogatory deponent answers, that she has not gone into or come out of any blockaded port, to his knowledge.

42nd interrogate. To the forty-second interrogatory deponent answers, not to his knowledge.

43rd interrogate. To the forty-third interrogatory deponent answers, that not to his knowledge.

1st additional interrogate. To the first additionol interrogatary deponent answers, that she would have gone to Havana ; he don't know where she would have gone after leaving Havana.

2nd additional interrogate. To the second additional interrogatory deponent answers, that she draws nine feet nine inches deeply laden ; she draws seven feet now, and is fully laden with cotton.

3rd additional interrogate. To the third additional interrogatory deponent answers, that he did not hear any one say, at any
50 time, that she was going to run or break any blockade after going to Havana

Deposition of Frederick C. Monsell at the district court-rooms, Key West, before George D. Allen, prize commissioner, June 3rd, 1862.

1st interrogate. To the first interrogatory deponent answers, that he was born in England. Has no fixed residence in the United States. Has sailed in American vessels most of the time, the last eight years, from New York, New Orleans, and other ports, previous to joining the Andromeda. Was last in the schooner Tune ; sailed from New Orleans to Tampico ; thence to Berwicks bay ; thence to Havana ; thence sailed for Tampico, and was captured on the voyage. He joined the Tune, at New Orleans, in May, 1861. Is a British subject ; is not a citizen of the United States ; is not married.

2nd interrogate. To the second interrogatory deponent answers, that he was present at the time of capture.

3rd interrogate. To the third interrogatory deponent answers, that she was captured off the coast, in sight of land ; she was taken into Key West. She had no commission or letters authorizing her to make prizes, that he knew of. He don't know why she was seized on Monday, the 26th of May.

4th interrogate. To the fourth interrogatory deponent answers, that she sailed under the British colors ; he never saw any other on board.

5th interrogate. To the fifth interrogatory deponent answers,
51 that no resistance was made to the seizure. The bark Pursuit fired three or four guns ; one gun was fired by the Pursuit after the Andromeda hove-to. Two other barks in sight at the time. The Andromeda is a merchant vessel. The bark Pursuit is an armed vessel, sailing under the United States flag.

6th interrogate. To the sixth interrogatory deponent answers, that he don't know what commission the Pursuit had. The bark Pursuit

made the capture. He don't know as the Andromeda has been condemned.

7th interrogate. To the seventh interrogatory deponent answers, that her name is the Andromeda; J. H. Ashby is master; further he don't know.

8th interrogate. To the eighth interrogatory deponent answers, that he don't know her tonnage; she had eight, all told, belonging to her—all on board when she was taken; he believes most of them were Dutch. All the seamen joined her in Havana in March last; were shipped by a shipping master; himself and the mate joined her in New York in December, 1861; were hired by the master.

9th interrogate To the ninth interrogatory deponent answers, that he belonged to the company of the vessel; was cook and steward. He don't know as any one of the ship's company owned any part or interest in the vessel or cargo.

10th interrogate. To the tenth interrogatory deponent answers, that he has known the vessel since October, 1861, and the master the same time; first saw her in Havana about the month of October, 1861. She had no guns. He believes she is an American-built
52 vessel; her name is the Andromeda; he never heard of her having any other name.

11th interrogate. To the eleventh interrogatory deponent answers, that she was bound to Havana. The voyage began at Havana, and would have ended at Havana. She carried salt, coffee, shoes and oil, when she left Havana; and when taken had cotton and hides, which were put on board in April and May, 1862. She had no contraband or prohibited goods on board, that he knew of, on this voyage.

12th interrogate. To the twelfth interrogatory deponent answers, that he believes she had a British register issued at Nassau. She sailed from New York to Havana; from Havana she sailed to Sabine, Texas; from Sabine she sailed for Havana, and was captured on the voyage. She had a cargo of coffee, cocoa, lard, and other articles from New York, which were delivered at Havana; from Havana she took salt, coffee, oil and shoes, which were delivered at Sabine, Texas. She sailed from Sabine about the 11th of May.

13th interrogate. To the thirteenth interrogatory deponent answers, that she had cotton and hides on board when she left Sabine, and the same when taken; he don't know how much of either. The cargo was taken on board in April and May, 1862.

14th interrogate. To the fourteenth interrogatory deponent answers, that he don't know who owns either the vessel or cargo.

53 15th interrogate. To the fifteenth interrogatory deponent answers, that he don't know.

16th interrogate. To the sixteenth interrogatory deponent answers, that the cargo was put on board in Sabine, Texas, in April and the early part of May, 1862. He don't know who the shippers, owners, or consignees are; he believes it was to be delivered at Havana.

17th interrogate. To the seventeenth interrogatory deponent answers, that he don't know.

18th interrogate. To the eighteenth interrogatory deponent answers, that he had no papers or writings whatever relating to the

vessel or cargo; he don't know what papers, letters, or writings were on board.

19th interrogate. To the nineteenth interrogatory deponent answers, that he don't know the lat. or long. of the vessel when captured. She was taken on the 26th of May, about five to six o'clock in the afternoon, on the coast of Cuba, about 18 or 20 miles from Havana; she was about 6 or 8 miles from land when he first saw the Pursuit.

20th interrogate. To the twentieth interrogatory deponent answers, that she had a log-book. He don't know what papers, letters, or writing of any kind were on board. Mr. Culmell gave deponent a package of papers, he believes them to be newspapers, and told him to throw them overboard, which was done on the day of the capture, after the vessel was hove to, and before the officers came on board from the Pursuit; he believes Capt. Ashby was with Mr. Culmell in the cabin at the time.

54 21st interrogate. To the twenty-first interrogatory deponent answers, that he knew of a state of war existing in Texas with the United States, but did not know of any blockade at the port of Sabine.

22nd interrogate. To the twenty-second interrogatory deponent answers, that he don't know

23rd interrogate. To the twenty-third interrogatory deponent answers, that the register of the vessel was not examined by any officer of the United States that he knew of.

24th interrogate To the twenty-fourth interrogatory deponent answers, that he has not known the Andromeda to attempt to go into or come out of any blockaded port.

25th interrogate. To the twenty-fifth interrogatory deponent answers, that she has not been before seized, to his knowledge.

26th interrogate. To the twenty-sixth interrogatory deponent answers, he might lose his wages if the vessel is condemned; he has not received any satisfaction or promise of satisfaction for the loss he might sustain.

27th interrogate. To the twenty-seventh interrogatory deponent answers, that he don't know.

28th interrogate. To the twenty-eighth interrogatory deponent answers, that he don't know.

29th interrogate. To the twenty-ninth interrogatory deponent answers, that he believes the cargo was produced in Texas.

30th interrogate. To the thirtieth interrogatory deponent answers, that the cargo was taken on board from the wharf at Sabine, Texas, in April and May.

55 31st interrogate. To the thirty-first interrogatory deponent answers, that he don't know.

32nd interrogate. To the thirty-second interrogatory deponent answers, that on the day of the capture, an officer from the Pursuit took papers from the vessel; he don't know where they are now.

33rd interrogate. To the thirty-third interrogatory deponent answers, bulk was not broken.

34th interrogate. To the thirty-fourth interrogatory deponent answers that there were three passengers on board; they came on

board at Sabine, and were going to Havana; Mr. Pix, Mr. Culmell, and Mr. Heidelberger; he don't know their business; no one secreted on board; Mr. Culmell, he believes, lives in Texas; he don't know the residence of either the master, passengers, or crew, except Mr. Culmell.

35th interrogate. To the thirty-fifth interrogatory deponent answers, that he knows nothing about any of the papers relating to the vessel, or cargo, or passengers; he has only signed the ship's articles.

36th interrogate. To the thirty-sixth interrogatory deponent answers, that he first saw the bark Pursuit about three-fourths of an hour to an hour before the time of capture; the Andromeda was headed an easterly course; she kept off more northerly on the approach of the Pursuit; she had pursued her direct course, he believes, for Havana, after leaving Sabine as near as the wind would allow; two or three days after the Andromeda arrived at Sabine, a steamer, sailing under the American flag, appeared off that port, and fired into a
56 steamer which went out from Sabine; she remained in sight of Sabine about twenty-four hours or thereabouts.

37th interrogate. To the thirty-seventh interrogatory deponent answers, that he don't know.

38th interrogate. To the thirty-eighth interrogatory deponent answers, that she had no guns, arms, or ammunition belonging to her; none of the articles enquired about on board.

39th interrogate. To the thirty-ninth interrogatory deponent answers, that he has no knowledge of the ownership of the vessel or her cargo; she was going to Havana.

40th interrogate. To the fortieth interrogatory deponent answers, that she had no convoy, nor any instructions or directions, to his knowledge, of the kind.

41st interrogate. To the forty-first interrogatory deponent answers, that she has not entered nor come out of any blockaded port, to his knowledge.

42nd interrogate. To the forty-second interrogatory deponent answer that, not to his knowledge.

43rd interrogate. To the forty-third interrogatory deponent answers that, not to his knowledge.

1st additional interrogate. To the first additional interrogatory deponent answers, that she would have entered Havana first, as he believes, had she not been captured; he don't know what other ports she would have sailed to.

2nd additional interrogate. To the second additional interrogatory deponent answers, that she draws about eight feet, fully laden; she was fully cotton laden when taken.

57 3rd additional interrogate. To the third additional interrogatory deponent answers, that he did not hear any one say anything about her going to any port after leaving Havana.

58
59

FORM NO. 9.—SAILING SHIP.

Certificate of British registry.

Official number of ship, 42772.—Date of registry, 18th October, 1861.—Port number, 43

Name of ship.	British or foreign built.	Port of registry.	How propelled.
"Andromeda," and her foreign name is "Andromeda.	Foreign, built at Sautucket, State of New York, U. S. A., in the year 1858.	Nassau, N. P....	By sails.

Number of decks, one.
Number of masts, two.
Rigged, schooner.
Stern, square.

Build, carvel.
Galleries, none.
Head, billet.
Framework, wood.

MEASUREMENTS.

	Feet.	*Tenths.*
Length from the fore part of stem under the bowsprit to the aft side of the head of the sternpost	104	1
Main breadth to outside plank	28	8
Depth in hold from tonnage deck to ceiling at midships...	8	9

Name and address of builder unknown.

TONNAGE.

	No. of tons.
Tonnage under tonnage deck.....	205.44
Closed in spaces above the tonnage deck, if any, viz: space or spaces between decks	.....
Poop	.....
Round-house	.....
Quarter deck.....	18.15
Trunk.....	5.49
Other inclosed spaces, if any, naming them.....	.....
Total register tonnage.....	$229\frac{92}{100}$

60 I, the undersigned, registrar of the port of Nassau, N. P., hereby certify that the ship the description of which is prefixed to this my certificate has been duly surveyed, and that the above description is true; that James H. Ashbey, whose certificate of competency or service is No. ——, is the master of the said

ship; and that the name, residence, and description of the owner, and number of sixty-fourth shares held by him, are as follows:

Name, residence, and occupation of the owner.	Number of sixty-fourth shares.
Richard Alleyn, of Baltimore, in the county of Cork, Ireland, residing in the city of New Orleans, State of Louisiana, stevedore	Sixty-four.

Dated at Nassau, N. P., Bahamas, the eighteenth day of October, one thousand eight hundred and sixty-one.

F. WHITLEY, *Registrar.*

"NOTICE.—A certificate of registry, granted under the 'merchant shipping act, 1854,' is not a document of title. It does not necessarily contain notice of all changes of ownership, and in no case does it contain an official record of any mortgages affecting the ship."

N. B.—Indorsements of changes of owners and masters must be made as directed by the instructions to registrars, and will follow her.

Name of the owner of the within described ship.	Number of $\frac{64}{64}$ shares.
Gerald Thomas Watson, of 52 Cornhill, London	Sixty-four.

BRITISH CONSULATE GENERAL,
Havana, March 3, 1862.

I hereby certify that the above-mentioned Gerald Thomas Watson has this day purchased the within described ship, and has been registered as sole owner thereof.

[SEAL.]

JOS. T. CRAWFORD,
Consul General in Cuba.

61 *Agreement for foreign-going ship.*

[Sanctioned by the Board of Trade, in pursuance of 13 and 14 Vic., c. 93, s. 46.]

Name of ship.	Port of registry.	No. and date of registry.	Burden.	Name of master.	No. of his certificate.	Date and place of first signature of agreement.
Andromeda	Nassau			Ashby		

The several persons whose names are hereunto subscribed hereby agree to serve on board the said ship in the several capacities expressed against their respective names, on a voyage from New York to Havana, and from thence to such other ports and places as the master may

direct, and back to a port of discharge in the British provinces; term not to exceed six months.

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers, in everything relating to the said ship, and the stores and cargo thereof, whether on board, in boats, or on shore; in consideration of which services, to be duly performed, the said master hereby agrees to pay to the said crew, as wages, the sums against their names respectively expressed, and to provide them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement, or wilful or negligent destruction of any part of the ship's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the same; and if any person enters himself as qualified for a duty which he is incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement, or otherwise, he shall represent the same to the master or officer in charge of the ship in a quiet and orderly manner, who shall thereupon take such steps as the case shall require.

In witness whereof the said parties have subscribed their names hereto, on the days against their respective signatures mentioned.

Agreement—Continued.

Signatures of crew.	Age.	Town or country where born	Ship in which he last served, and port she belonged to.	Place and time of entry.	Capacity.	Am't of wages per month.	Am't of wages advanced on entry.	Signatures, &c., of witness.
James A. Wright	47	New York	Edward Barnard	New York, Dec., '61.	Master			
Charles O Brown	26	Sweden	Joseph H. Toone	....do....do....	Mate	$35 00		John H. Clark.
Henry Costfore	21	England	Edward Barnham	....do....do....	Seaman.	15 00	$20 00	John H. Clark.
F. R. C. Monsell, his X mark	30	Southampton	Joseph H. Tone	....do....do....	....do...	15 00	15 00	John H Clark.
William Goldin, his X mark	26	Massachusetts	Charles Oak	....do....do....		25 00	20 00	John H. Clark.
James Micelmot	27	Ireland	Swan	....do....do....		15 00	15 00	
Nathan Rankers, his X mark	22	Maine	North America	....do....do....		15 00	15 00	
William Bartels	32	Prussia	English schr. Isabel	Havana, March 3, '62.	A. B...	20 00	10 00	
Charles Brown, his X mark	35	Denmark	" " Isaac Toucey	....do....do....	A. B...	20 00	10 00	
Joseph Davis, his X mark	28	Western Islands	Amer. schr. Welcome	....do....do....	A. B...	20 00	10 00	
Heinrich Weideberg	23	Havana	" bark Hy. Darling	....do....do....	A. B...	20 00	10 00	
George Goldsmith	25	England	Brit. schr. Henry Travers	....do....do....	A. B...	20 00	10 00	
Julius Correll	29	Denmark	Amer. bark Henry Darling	....do....do....	A. B...	20 00	10 00	

63 BRITISH CONSULATE, *New York, Dec'r* 20, 1861.

I hereby sanction the engagement on the within of James A. Wright, Cha's O. Brown, Henry Costland, F. C. Monsell, William Goldin, Samuel Wiedeinot and Nathan Rankins, and I have satisfied myself that they fully understand the same.

[SEAL.] JAMES FITZPATRICK,
Clerk to H. B. M. Consul.

BRITISH CONSULATE GENERAL, *Havana, 5th March*, 1862.

Duly deposited at this consulate, and now returned to the master on clearing for Matamoras with general cargo, the seamen Henry Costland, Samuel Willmot, Nathan Hankins, and Samuel Swealmet, have been discharged before me by mutual consent, and I have sactioned the engagements of Charles Brown, William Bartels, Joseph Davis, Hendrick Wedeberg, George Goldsmith, and Julius Carral, on the terms within written.

[SEAL.] JOHN V. CRAWFORD,
Vice-Consul.

64 DISTRICT OF TEXAS, PORT OF SABINE, 18*th day of May*, 1862.

I, James H. Ashbey, master or commander of the schooner Andromeda, bound from the port of Sabine to Havana, do solemnly, sincerely, and truly swear that the manifest of the cargo on board the said vessel, now delivered by me to the collector of this district, and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just and true account of all the goods, wares, and merchandize, now actually laden on board the said vessel, and the value thereof; and if any other goods, wares, or merchandize shall be laden or put on board the said vessel previous to her sailing from this port, I will immediately report the same to the said collector. I do also swear that I verily believe the duties on all the foreign merchandize therein specified have been paid, or secured, according to law, and that no part thereof is intended to be relanded within the said Confederate States, and that if, by distress or other unavoidable accident, it shall become necessary to reland the same, I will forthwith make a just and true report thereof to the collector of the customs of the district wherein such distress or accident may happen. So help me God.

J. H. ASHBEY.

Sworn this 10th day of May, 1862, before me,
B. T. McDONOUGH,
Collector.

65 These are to certify to all whom it doth concern that James H. Ashbey, master or commander of the Andromeda, burthen $229\frac{8}{100}$ tons or thereabouts, mounted with no guns, navigated with —— men, American built, and bound for Havana, having on board

—— bales cotton, hath here entered and cleared his said vessel according to law.

Given under my hand seal, at the custom-house, Sabine, this 10th day of May, 1862.

B. T. McDONOUGH,
Collector.

EXPORT MANIFEST.

Manifest of the cargo on board the schooner Andromeda, of the burthen of $229\frac{98}{100}$ *tons, whereof James H. Ashbey is master, bound from Sabine Pass to Havana.*

Name of shippers.	Marks and numbers.	Number of entries.	Packages or articles in bulk.	Contents or quantities	Names of consign's.	Value at the port of exportation of domestic produce or merchandise.
Andromeda & Culmell...	Various.	597	597 bales cotton	297,514 pounds	Chas. Caro & Co.	$31,000 00
Do	F v C..	291	291 hides.....	1,164 pounds..	.....do.....	58 20
Total am't	.....	....	.....	.....	.....	31,058 20

J. H. ASHBEY.

B. F. McDONOUGH, *Collector.*

66 DISTRICT OF TEXAS,
Port of Sabine:

To all the Faithful in Christ to whom these presents may come:

Whereas it is pious and just to bear witness of the truth, lest error and deceit overthrow it; and whereas the schooner Andromeda, of which James H. Ashbey, under God, is master, and now ready to depart from the port of Sabine; and if it please God, to sail for Havana and other places beyond sea, with ten (10) persons, including the master of the said schooner Andromeda, also two passengers:

We, therefore, to you all by the terror of these presents, do make known that (praise to God the Most High and Good,) no plague or any dangerous or contagious disease at present exists in said port.

Given under my hand and seal of office, this 10th day of May, 1862.

B. F. McDONOUGH,
Collector.

CUSTOM-HOUSE, PORT OF SABINE,
May 10th, 1862.

This is to certify that on this date there is no blockading vessel in sight from this port, nor has there been one for several days.

B. F. McDONOUGH,
Collector.

67 *Sch'r Andromeda and owners in account with J. H. Ashbey.*

1861.—To balance old account		150 71
Sept. 2, " cash, Mrs. Ashbey		30 00
" 17, " " " "		20 00
Oct. 1, " " " "		50 00
" 24, " " " "		30 00
Nov. 7, " " " "		30 00
Dec'r 2, " " " "		50 00
" 30, " " " "		40 00
1862.—Ja'y 18, " bill for house, to date		110 89
" " " balance to new account		488 40
		$1,000 00

1861.—Oct. 5. By this am't chg'd S. B. Ashbey $1,000 00.
E & O. E.
NEW ORLEANS, *Ja'y*, 1862.

J. H. ASBEY.

Sch'r Andromeda and owners in acct. with J. H. Ashbey.

1861.—By balance old account	1,267 08	
July 3, " draft from Rio Grande	4,500 00	
Aug't 15 " balance to new acc't	150 71	
		$ 917 79
May 11, to cash V. Wiggins	56 88	
" 14, " " Union Tug Co. bill	64 40	
" " " " capt	50 00	
" 20, " " disc't on draft on N. Y	5 00	
" 21, " " expenses—charges on letters	30	
" 22, " " harbor insurance	50 00	
" 24, " " capt	50 00	
" 29, " " "	7 00	
" 30, " " W. Long	12 75	
		$296 33
Am't carried over		296 33
68 Am't bro't forward		296 33
June 1, to cash, capt	5 00	
" " " " bill, Cox & Hurd	2 75	
" " " " " Riley & Stevens	2 00	
" 4 " " George & Smith	73 00	
" " " " my bill, stores, &c	560 48	
" " " cash, John Robinson	5 00	
" 5, " " down towage order	63 00	
" 22, " " out-pilot order	22 50	
" 27, " " Mrs. Rose Robinson	178 00	
July 8, " " Mrs. Ashbey	15 00	

July 8,	to cash, bill, Goldenben & Lesparu...	231 99	
" 16,	" " Mrs. Ashbey.....	20 00	
" 27,	" " Doct. Delery.....	10 00	
" 31,	" " Mrs. Ashbey.....	25 00	
Aug't 1,	" " Richard Alleyn.....	150 70	
" 15,	" " S. B. Ashbey, note.....	3,558 18	
" "	" " in't on do.....	76 50	
" "	" " balance acc't.....	602 36	
" "	" " Mrs. Ashbey.....	20 00	
			$5,917 79

NEW ORLEANS, *Aug't*, 1861.

E. & O. E.

J. H. ASHBEY.

CONFEDERATE STATES OF AMERICA,

State of Texas, County of Jefferson, port of Sabine:

By this public instrument of protest, be it known to all whom it may concern, that on the twenty-first day of March, in the
69 year one thousand eight hundred and sixty-two. Before me, Otis McGaffey, a notary public, in and for the county of Jefferson and State of Texas, duly commissioned and qualified to act, personally appeared David R. Wingate, master of the steamboat "Sabine," of Sabine Pass, in the State of Texas, of the burthen of one hundred and twenty-three tons, or thereabouts, and made before me, the said notary public, a note in entry of protest in due form. And now, on this seventh day of April, in the year one thousand eight hundred and sixty-two, came again before me, the said notary public, the said David R. Wingate, master of the steamboat "Sabine," to extend this his protest made and entered before me on the twenty-first day of March, in the year one thousand eight hundred and sixty-two, and with the said David R. Wingate, master, came Niles H. Smith, mate; Chas. C. Burch, pilot; S. Gregory, engineer; and Wm. A. Stewart and Wm. H. Phenver, deck hands, all of said steamboat Sabine, who being by me, the said notary, solemnly and separately sworn upon the Holy Evangelist of Almighty God, do depose and say: "They left the wharf at Sabine Pass, Texas, on the twentieth day of March, in the year one thousand eight hundred and sixty-two, at about eleven o'clock a. m., on the steamboat Sabine, bound for Brashead, in the State of Louisiana, and expected to call in at Cubcasieu and take on board some soldiers for Brashead. The cargo of said steamboat Sabine consisted of one hundred sacks of coffee, one hundred and twenty-one bbls. potash, four hhds. potash, twenty carboys acid, thirty-nine bbls. kerosene oil, three boxes merchandize, and sundry other articles,
70 to be delivered at Brashead, in Louisiana. We rounded to at the fort and took on board two deck hands and G. W. Pheuver; passed the light-house at half-past eleven a. m. and crossed the Sabine Pass bar; steering east for Cubcasieu, keeping in about two fathoms of water, the wind blowing moderately from the N. N. west, the Gulf smooth. When within about twelve miles of Cubcasieu, the

said G. W. Pheuver, being on the look out near the tops of the chimneys, cried out that he espied a vessel bearing down on us, which he took to be a steamer; fearing that she might be a man-of-war of the enemy, the said steamboat Sabine was put about for Sabine Pass, and all diligence used to make our escape. About this time the wind freshened and changed more to the west, which had a tendency to impede our progress; the said vessel, after chasing us about twelve or fifteen miles, came up sufficiently near to fire one gun, the ball falling about one-fourth of a mile short of us; the Sabine was then run nearer shore, keeping in about five feet water and heading for Sabine Pass bar The vessel, which proved to be a steamship, fired a second gun, which fell near the stern of the Sabine; she shortly after fired three guns and most of the balls passed before the bow of the Sabine; she next fired a broadside of three or four guns, the balls of which passed some astern, some ahead, and some over us. The vessel was then about abreast of us and also nearer the land, until she brought us completely within range of her guns, in fact, throw-
71 ing her balls and shells some fifty or one hundred yards on the shore.

Finding that she had got the "Sabine" completely in her power and the shot and shell increasing, so that the escape of the boat was impossible, the Sabine was headed for the shore, and the captain ordered all hands to make good their escape, and at the same time, to prevent the boat falling into the hands of the enemy, fire was set to the Sabine in several places, the flames spread rapidly, and in a few minutes she, with her entire cargo, was consumed; the wind blowing strong at the time and rather off-shore, she drifted back some three-fourths of a mile and sunk."

And the said appearers do further severally declare that the said steamboat Sabine, at the time of her departure from Sabine Pass upon her said intended voyage, was tight, staunch, and strong; was well and sufficiently manned, provided and furnished with all things necessary upon her said intended voyage; and that they, the said appearers and steamboat company, used their utmost endeavors to preserve the said steamboat Sabine from damage and loss, and from the hands of the enemy.

(Signed)

D. R. WINGATE, *Master.*
NILES H. SMITH, *Mate.*
C. C. BURCH, *Pilot.*
S. GREGORY, *Engineer.*
W. A. STEWART, } *Deckhands.*
WM. H. PHUVER. }

72 Whereupon the said D. R. Wingate, master, did declare and protest, and by these presents doth declare and protest, that all loss, damage, and detriment which have happened the said steamboat "Sabine," or the goods of her lading, are and of right ought to be bourne by the merchants, freighters, insurers, or whomsoever it doth or may in anywise concern, the same having happened as before

mentioned and not by or through the insufficiency of the said steamboat, the neglect of the said master or any of his crew.

[SEAL] This done and protested this seventh day of April, A. D. one thousand eight hundred and sixty-two, before me, the said notary public. Witness my hand and official seal, at Sabine Pass, this day and year as above written.

OTIS McGAFFEY,
Notary Public.

David R. Wingate, master; Niles H. Smith, mate; Charles C. Burch, pilot; S. Gregory, engineer; W. A. Steward and Wm. H. Plumer, deck hands, being severally sworn on the Holy Evangelist of Almighty God, do depose and say that the foregoing instrument of protest has been clearly and distinctly read over by them, the said deponents, and that the matters and things therein contained are true in all respects, the same as are therein particularly al-
73 leged and set forth.

Witness my hand and official seal at Sabine Pass, in the
[SEAL.] county and State aforesaid, this seventh day of April, A. D. one thousand eight hundred and sixty-two.

OTIS McGAFFEY,
Notary Public.

THE STATE OF TEXAS,
County of Jefferson, Port of Sabine:

I, Otis McGaffey, notary public in and for the county and State aforesaid, do hereby certify that the above and foregoing instrument of protest is a true and correct copy of the original in my notarial book of record.

Witness my hand and official seal, at Sabine Pass, in the county
[SEAL.] and State aforesaid, this seventh day of April, A. D. 1862.

OTIS McGAFFEY,
Notary Public.

74 *Schooner Andromeda and owners, in a'c with Edmonson & Culmell.* CREDITS.

By	50 boxes candles	*a* 20 00		1,000 00
"	3 bbls. starch, 690 lbs.	*a* 25		172 50
"	7 do. 1,589 lbs.	*a* 23		365 47
"	1 box soap, 56 lbs.	*a* 25		14 00
"	25 do. 1,400 lbs.	20		280 00
"	23 do. 1,288 lbs.	20		257 60
"	23 sacks coffee, 3,742 lbs.	*a* 50		1,871 25
"	38 do. 6,166 lbs.	*a* 45c		2,774 70
"	1,100 pairs shoes	*a* 40c		4,400 00
"	17 sacks salt			123 48
"	250 do. 47,504 lbs.		3¾	1,781 40
"	237 do. 44,948 lbs.		3¼	1,460 81
"	4 do			30 50

By 113 sacks salt	21,476 lbs.	3½		751 66
" 10 do.	1,828 lbs.	3½		63 97
" 5 do.	906 lbs.	4		36 24
" 133 do.	25,270	3½		884 45
" 6 sacks of coffee, sold at Beaumont, net proceeds				444 20
				$16,712 23

CHARGES.

To cash paid duties	$592 73
" fr't on coffee, soap, candles, starch, shoes to Beaumont	72 00
" do. 550 sacks salt	209 75
" storage 420 bbls. *a* 6¼	26 25
" fr't on 491 sk's salt, to Houston	375 38
" do. 58 do. coffee, do	40 19
" do. 22 trunks, 24 box soap, 48 lbs. candles	23 10
" do. 10 lbs. starch 10^{92}, drayage from depot 10^{75}	21 67
" labor on md'se	1 50
" commission on $16,712^{00}$ *a* 2½ per cent	417 80
	$1,780 37
Due sch'r Andromeda	$14,931 86

[E. & O. E]
HOUSTON, May 5, 1862.

75 Edmonson & Culmell shipped, in good order and condition, by , on board the schooner called the Andromeda, whereof J. H. Ashby is master for the present voyage, now lying at the port of Sabine Pass, and bound for Havana, the articles marked and described as below, which are to be delivered in like good order and condition, (the damages and accidents of navigation and fire only excepted,) at the port of Havana, unto Messrs. C. Curo & Co., or to assigns, he or they paying freight for the same as per agreement.

* * * * * * * * * * *

In witness whereof, the master, clerk, or agent of said vessel, subscribes to three bills of lading, all of this tenor and date ; one of which being accomplished, the others to stand void.

SABINE PASS, TEXAS, *May* 10, 1862.

Marks.	Articles.		Weight.
G. O.	30 bales	cotton	14,640 lbs.
O. D.	99 do	do	48,312 "
L. V.	109 do	do	53,192 "
(C.)	75 do	do	37,875 "
K.	51 do	do	34,737 "
G. S.	5 do	do	2,440 "

Marks.		Articles.		Weight.
E. & G.	102 bales	cotton		49,776 lbs.
D. R. W.	23 do	do		11,219 "
Various marks..	101 do	do		49,289 "
	595			

Charges:
Freight paid $1.
Charges bill lading.
Commissions.
Storage lbs.

76

77 LOG.

Saturday, March 8th.

Winds from N.NE. to NE., a moderate breeze. At 10½ a. m. the pilot came on board, and we got under way, and proceeded to sea on our destined voyage to Matamoras. At 12 meridian the Moro light-house bore SE., one mile distant. This day contains 12 hours to commence with nautical time.

Sunday, March 9th, 1862.

H.	K.	C.	Winds.	
3	7	W.	NE.	This day comes in with a whole sail breeze from the eastward. At 2 p. m. the Moro light-house bore west, dist. 12 miles, from which we take our departure.
8	7	W. by N.,	E.NE.	
1	7	W.NW.	E. by N.	Clear weather and the wind a little south of east, the latter part of the day; lat., by observation, 24. 16.
5	7	NW. by W.	E. by S.	
11	8	NW.	E.SE.	

Monday, March 10th.

1	6	W. by N½N.	East.	*Remarks.*—This day comes in with a fine breeze with easterly winds. Throughout the night appearance of rain; latter part of the day cloudy; winds east by south. No observation; lat. by D. R. 25.11.
3	6	W.NW.		

Tuesday, March 11th, 1862.

1	5	W. by N.	S.SE.	*Remarks.*—This day comes in with a moderate breeze from the southward.
7	1	" "	S.	Through the night nearly calm, with a few light showers of rain.
8	1	" "	NE.	Latter part of the day wind easterly and cloudy. No observation; lat. by D. R. 25.19.

78

Wednesday, March 12th.

H's.	K.	Course.	Winds.	
1	2	W.NW.	NE.	*Remarks.*—This day comes in with squalls and light winds from the northward and eastward.
4	2	W.SW.	NW.	At 8 p. m. wind from the south and east; latter part of the day cloudy; wind SE.; no obs.; lat. by D. R. 25.48.
6	2	W.NW.	N.	
8	1	NW. by W.	E.SE.	
1	3	W. by N.	SE.	
5	5	W.NW.	S.SE.	

Thursday, March 13th.

1	4	W.NW.	S.	*Remarks.*—Light winds from the south and SE., with hazy weather all day. No observation; lat. by D. R. 26.30.
9	5		S.SE.	
6	1	SW.	SE.	
8	3	W.NW.	"	
11	3		S.SE.	

Friday, March 14th.

1	3	W.NW.	S.	*Remarks.*—This day thick weather with rain most of the day, and southerly winds.
1	4	W.	do.	At 10 a. m., wind changed in a squall to the westward.
11	1	S.SW.	N.NW.	No. obs.; lat. D. R. 26.50.

Saturday, March 15th.

1	3	S.	W. by S.	*Remarks.*—This day commences with a strong breeze from the westward which soon increased to a gale; the setting very heavy from the southward.
5	1½		W.NW.	At 2 p. m. hove to under double reef fore and main sail.
9	3	N.NE.	NW.	Latter part of the day moderated a little; wore ship and stood to the northward.

Sunday, March 16th.

NW. *Remarks.*—First part of this comes in with whole sail breeze from N.NW.; at 1 o'cl'k p. m. sighted Sabine light-house, bearing NW., 8 miles distant.

79 At 4 o'clock pilot came on board. At 5 a. m. came to anchor in 7 feet of water on the bar. Schooner drawing 6½ feet. Captain proceeds up to Sabine. 9 o'clock a. m. steamer came alongside, discharged a part of the cargo and proceeded up the river. At 11 a. m. came to anchor 2 miles below the city. So ends this 24 hours to commence harbor time. No blockading vessel off.

Monday, March 17th.

Remarks.—This day commences with fine weather; wind from the westward and remained at anchor. No blockade off.

Tuesday, March 18th.

Remarks.—This day commences with fine and pleasant weather. Steamer came down and we proceeded up to the city. Came alongside of the wharf and made the schr. fast. No blockader in sight.

Wednesday, March 19.

Remarks.—Clear weather with southerly winds. Discharge a part of the cargo. From the 19th March to 14 April the crew employed at ship's works. At this time no blockading vessels off. A part of the cargo remained in the vessel.

Monday, 15th April.

Remarks.—This day commences with fine and pleasant weather. Discharged 350 bags of salt. No vessel in sight.

80 *Tuesday, 16 April.*

Remarks.—Fine and pleasant weather. Discharged 113 bags of salt. No blockading vessel in sight.

Wednesday, 17.

Remarks.—This day clear and pleasant weather, with easterly winds. Received 2,000 ft. of lumber and 23 bbls. of cotton.

Thursday, 18 April.

Remarks.—This day clear and pleasant weather, with the wind from the westward. Crew employed at ship's duty. No blockader off.

Friday, 19th April.

Remark.—First part of this day cloudy weather, with wind from the NW. No blockader in sight.

Saturday, 20 April.

Remarks.—This day commences with cloudy weather, with wind from north. During the day working round to SE. Received on board 159 bbls. of cotton, and discharged the balance of the cargo, 198 bags of salt. No blockader in sight.

Sunday, 20 *April.*

Remarks.—This day clear and pleasant weather; wind south. Kept the sabbath.

81 *Monday*, 21 *April.*

Remarks.—Clear and pleasant weather, with strong breeze from the northward. Stevedore came on board and commenced stowing the cotton. This day took in 70 bales. No blockader off.

Tuesday, 22*nd April.*

Remarks.—Clear and pleasant weather; wind easterly. Took in 45 bales of cotton and 212 hides. No blockader in sight.

Wednesday, 23*rd April.*

Remarks.—Fine and pleasant weather. This day took in 45 bales cotton. No blockade in sight.

Thursday, 24 *April.*

Remarks.—This day fine and pleasant weather, with S.west winds. Crew employed at ship's work.

Friday, 25 *April.*

Remarks.—Clear weather, with southerly winds. No blockading vessels off.

Saturday, 26 *April.*

Remarks.—Clear and pleasant weather. This day received 139 bales of cotton. No blockade in sight.

Sunday, 27 *April.*

Remarks.—Kept the Sabbath.

Monday, 28*th April.*

Remarks.—Clear weather, with strong breeze from SE. Took in 50 bales of cotton. No blockade off the bar.

82 *Tuesday*, 29 *April.*

Remarks.—This day clear and fine weather; wind west. Took in 46 bales of cotton this day. No blockade in sight.

Wednesday, 30 *April.*

Remarks.—This day commences with cloudy weather and rain; wind from south. Took in 13 bales of cotton. No blockade in sight.

Thursday, 1*st May.*

Remarks.—This day fine and pleasant weather, with strong breeze from the eastward. Received 60 bales of cotton. A steamer arrived from New Orleans. Saw no blockading vessel.

Friday, 2*nd May.*

Remarks.—Clear and warm weather, with little air from the southward. Took in 62 bales of cotton. No blockade in sight.

Saturday, 3 *May.*

Remarks.—This day cloudy and rainy; wind from the E. No blockade off.

Sunday, 4 *May.*

Remarks.—Kept the sabbath.

Monday, 5 *May.*

Remarks.—Fine and pleasant this day; wind southerly. Crew employed at ship's work. No blockading vessel off.

83 *Tuesday,* 6*th May.*

Remarks.—This day fine weather—wind from the southward. Crew filling water. No blockade off.

Wednesday, 7*th May.*

Remarks.—Fine and pleasant weather—wind NW., with strong breeze. No blockading vessel in sight.

Thursday, 8*th May.*

Remarks.—This day cloudy with very heavy rain—received 214 bales of cotton. No blockade off.

Friday, 9*th May.*

Remarks.—First part of this day cloudy with rain—latter part fine and pleasant—took in 75 bales of cotton—lower hole full. No blockading vessels in sight.

Saturday, 10*th May.*

Remarks.—This day put on the deck 162 bales of cotton and made ready for sea—George Goldsmith, seaman, left without agreement—at 4 a. m. towboat came alongside, and we proceeded down the river. At 7 a. m. got aground on the bar—only 6½ feet of water—sch'r drawing 8 feet—came to anchor—at 9 a. m. off the light-house—at 6 p. m. hove up the anchor, and proceeded over the bar. At half-past six p. m. steamer let go—sailed and secured anchor. No blockading vessel in sight—this 12 hours to commence sea account.

84

Sunday, 11*th May.*

H.	K.	Course.	Winds.	
1	6			*Remarks.*—First part of this day commences with a whole sail breeze from E.SE.
2	6			
3	6			
4	6			
5	5			
6	6	S. by E.	E. by S.	Middle part, same wind—little more to the eastward.
7	6			
8	6			
9	6			
10	6			
11	6			
12	6			
1	6			
2	6			
3	6			Latter part the same.
4	6			
5	6			
6	6			Pumps attended.
7	6			
8	6			Lat. by D. R. 27.30.
9	6			
10	6			
11	6			
12	6			

Monday, 12*th May.*

1	6			*Remarks.*—First part of this 24 hours commences with fresh breeze from the E. Took in jib and topsail.
2	6			
3	6			
4	6			
5	6			
6	6			
7	6			
8	5			
9	6			
10	6			
11	6	S. by E.	E.	Middle part, moderate a little.
12	6			
1	6			
2	6			Latter part, fresh breeze—wind continues from the eastward.
3	6			
4	6			
5	7			Pumps attended.
6	7			
7	7			
8	7			
9	6			Lat. by obs.
10	6			
11	6			25.16.
12	6			

Tuesday, May 13.

1	6			
2	6	S by E. ½ E.	E. by S.	*Remarks.*—First part of this 24 hours commences with fresh breeze, clear and pleasant weather, with easterly winds.
3	6			
4	6			
5	6			
6	6	S. SE.	E.	
7	6			
8	6			
9	6			
10	6			
11	6			Middle part, moderate a little.
12	6			
1	6			
2	6	S. by E. ½ E.	E. by S.	
3	6			
4	5			
5	5			
6	4			Latter part, light breeze—wind continues the same.
7	4			
8	5			
9	5			
10	6			Lat by obs.
11	6	S. by E.	E. by S. ½ S.	
12	6			23 . 6.

85 *Wednesday, May* 14.

H.	K.	Courses.	Winds.	*Remarks*—.This day comes in with fresh breeze from the eastward.
1	6 5			
2	6 5			
3	6 2			
4	6 5			
5	6 3	S. by E. ½E.		
6	6			
7	6			
8	6			
9	5 5			Middle part the same, at 8 a. m. tacked to the northward. At 12 a. m. tacked to the south.
10	5 5	NE. by N. ½N.		
11	6			
12	6			
1	6			Latter part, at 4 p. m., tacked to the north; wind hauled round to SE. with a heavy sea; took in foretopsail. So ends this 24 hours.
2	6			
3	6	S. by E.½E.		
4	6			
5	6			Pumps attended.
6	5			
7	5			Lat. by obs. 22.44.
8	5			
9	5 5	NE. by E.		
10	5			
11	5			
12	5			

Thursday, May 15.

H.	K.	Course.	Winds.	
1	5			
2	5			*Remarks.*—First part of this 24 hours commences with fresh breeze; at 7 tacked to the southward.
3	5			
4	5	NE.	E.SE.	
5	5			
6	5			
7	5½			

8	5½			
9	5½			Middle part blowing strong with heavy sea; took in maintopsail; at 2 a. m. tacked to northward.
10	5½			
11	5	SE. by S.	E.	
12	5			
1	5			
2	5½			
3	5½			
4	5			
5	4½			Latter part of the same, at 4 a. m., took in the flying jib; at 10 a. m. set the flying jib; wind moderate a little. So ends this 24 hours.
6	4½			
7	4	NE.	E SE.	
8	4			
9	4			Pumps attended.
10	4½			
11	5			Lat. by obs. 23.44.
12	5			

Friday, May 16.

H.	K.	Course.	Winds.	
1	5			
2	5			*Remarks.*—This day commences with moderate breeze; all sail set heading to the north; at 6 a. m. tacked to the southward; at midnight tacked to the north and took in fore-gaff topsail.
3	5			
4	5	NE.	E.SE.	
5	5			
6	5			
7	5			
8	5½			
9	5½	SE. by S.	E.	
10	5½			
11	5½			
12	5½			
1	6	S.SE.	E. by S.	
2	6			
3	5½			
4	5½			Latter part fine and clear weather; all sail set; wind continued the same; saw a sail steering to SW.
5	5	NE by E.	SE.	
6	5			
7	5			Pumps attended.
8	5			
9	4½	NE.	E SE.	Lat. by obs. 23.29.
10	4			
11	4½			
12	5			

86 *Saturday, May* 17.

H.	K.	Course.	Winds.	
1	5			
2	5			
3	5	SE by E.	E.NE.	*Remarks.*—First part of this 24 hours comes in with moderate breeze, clear and pleasant weather, and easterly wind; at 1 a. m. backed to the southward; at 2 a. m. tacked ship to the north.
4	5			
5	5			
6	5			
7	5	SE.	E. by N.	
8	5			
9	4½			
10	4½			
11	4	NE. by E.	E.SE.	
12	4			

1	3			Middle and latter part of the day light breeze; wind continued the same; at 7 p. m. tacked to the southward.
2	2½			
3	2			
4	2			
5	2			
6	2½			Pumps attended.
7	2½			
8	3	NE.	E. by S.	Lat. by obs. 23.18.
9	3			
10	3½	SE.		
11	3½			
12	3			

Sunday, May 18.

H.	K.	Course.	Winds.	*Remarks.*—The first part of this day moderate breeze with clear and pleasant weather, with wind from the eastward.
1	3			
2	3			
3	3			
4	3	SE.½E.	E.	
5	3			
6	3½			
7	3½			
8	4			Middle, light breeze; wind NE.
9	4			
10	4			
11	5			
12	5			Latter part, the same; wind working back to the eastward; at 8 p. m. came in 30 fathoms soundings.
1	4			
2	4	E.SE.		
3	3½			
4	3½			Pumps attended.
5	3			Lat. by obs. 22.18.
6	3			
7	4			
8	5			
9	5			
10	5			
11	4½			
12	4½			

Monday, May 19.

H.	K.	Course.	Winds.	*Remarks.*—This day comes in with clear and pleasant weather; at 8 a. m. tacked ship to the northward; 12 fathoms soundings.
1	4			
2	5	SE.	E by N.	
3	5			
4	5	SE. by E.		
5	6			
6	7			
7	7	E·SE.	E.NE.	Middle part, light air from the eastward.
8	6			
9	5	SE. by E.		
10	5			
11	4			Latter part, light easterly breeze; at 5 p. m. tacked to the southward, and at 8½ tacked to the north; saw bark-rigged vessel steering W.SW. at 11 p. m. backed to the southward.
12	4			
1	3	NE.	E. by S.	
2	2			
3	1½			
4	1½			
5	2			
6	3			Pumps attended.
7	4	SE. by S.	E.	
8	5			Lat. by obs. 21.52.
9	5			
10	5	NE. by N.		
11	5			
11	5	SE.½E.		

87

Tuesday, May 20.

H.	K.	Course.	Winds.	
1	4			*Remarks.*—First part of this day comes in with fine, clear, and pleasant weather; easterly winds. At 5 made land—tacked and headed to the northward.
2	5			
3	6	SE.	E.NE.	
4	7			
5	7			
6	6			
7	5			
8	5			
9	4			
10	4			
11	4			
12	4			
1	3			Middle part the same—was in 21 fathoms of soundings. Latter part light winds. At 8 a. m. saw a bark-rigged vessel flying the English colors, and a steamer steering to the westward. Found the current setting 2 miles to the west. Pumps attended. Lat. by obs., 22.29.
2	3	NE. by E.	E.SE.	
3	2½			
4	2½			
5	3			
6	3			
7	4			
8	4			
9	4			
10	4			
11	4			
12	5			

Wednesday, May 21.

1	5	NE.½E.	E.SE.	*Remarks.*—This day comes in with clear and pleasant weather—fresh, easterly winds. At 5½ a. m. tacked to the southward.
2	5			
3	4			
4	4			
5	3	NE. by N.	E. by S.	
6	4			
7	5			
8	5	SE.	E. by N.	
9	5			
10	5			
11	5			Middle part moderate.
12	4			
1	4			
2	4			
3	4	SE. by E.	E.NE.	
4	4			
5	4			Latter part fresh breeze and cloudy weather—heavy sea running from NE. At 8 8½ p. m. tacked to the northward, and at 12 tacked again to the south. So ends this 24 hours. Pumps attended. Lat. by obs., 22.23.
6	4			
7	5			
8	5	SE.	E. by N.	
9	5			
10	5			
11	5	N.NE. ½ E.		
12	5			

Thursday, May 22.

1	5			*Remarks.*—First part of this 24 hours comes in with fresh easterly winds and cloudy weather. At 2 a. m., saw a schooner steering N.NW.
2	5			
3	5	SE. by S.	E.	
4	5			
5	5			
6	5	SE.		

7	5			
8	5			
9	5	SE.½E.		Middle part fresh breeze with a heavy head-sea running from N.NE.
10	6			
11	6			
12	5		E. by N.	
1	5			
2	5	SE.		Latter part moderate—wind fine and pleasant—clear weather. At 5 saw a sloop steering NE. So ends this day.
3	5			
4	4	SE.½S.		
5	4			
6	4			
7	5			
		SE.		Pumps attended
8	5			
9	5			
10	5			Lat by obs.
11	4			22.17.
12	4	SE. by E.		

88 *Friday, May* 23.

H.	K.	Course.	Winds.	*Remarks.*—This day commences with light breeze, with squalls of rain. At 5½ a. m. tacked to the northward.
1	3			
2	3	SE. by E.		
3	2			
4	1			
5	2		E.	
6	3			
6	3			
7	3	N.NE		
8	3			
9	3			
10	2			Middle part calm, with a heavy sea running. At 11 tacked southward.
11	1			
12	1	SE.	E. by N.	
1	1			
2				
3				
4	1			Latter part light breeze from *from* the SE. At 5 tacked to the north—wind working round to the south. Sailed in company with two bark-rigged vessels. Pumps attended. Lat. by obs. 22.31
5	1	NE.		
6	2			
7	2		E.SE.	
8	2	NE. by E.		
9	1			
10	1			
11	1			
12	1	E. by N	SE.	

Saturday, May 24.

1	1½		SE.	*Remarks.*—This day comes in with cloudy weather, with squalls of rain, light breeze, and variable winds. Spoke an English bark.
2	9			
3	3			
4	4			
5	3			
6	2			
7	1			
8	1		S.	
9				
10		E.NE.		Middle part calm.
11				
12				
1	1		SW.	

2	1		
3	1	NW.	Latter part light breeze, wind variable, &c.; a schooner and brig going to the southward. So ends this day.
4	2		
5	3		
6	4		
7	4		
8	3		
9	3	W.	Pumps attended.
10	3		
11	4		No obs. By D. R., 23 . 00.
12	4		

Sunday, May 25.

1	5		*Remarks.*—First part of this 24 hours commences with strong breeze from SW., with cloudy and rainy weather. At 3½ sighted the land; at 7 took in fore and main gaf-topsail; at 8 p. m. took two reefs in fore and main sail, and hauled down the flying jib.
2	8		
3	8	E.NE.	
4	7		
5	7		
6	7		
7	6		
8	5		
9	4		
10	3		
11	3		
12	3		
1	2		
2	2	E. by N.	Latter part, cloudy weather, with rain. At 5 a. m. set all the sails, wind from SE.; at 6 a. m. saw port of Maril. Pumps attended.
3	2		
4	2		
5	3		
6	4		
7	4		
8	4	E.	No obs.
9	4		By D. R., 23 . 04.
10	4		
11	4	E.NE.	
12	4		

89 *Monday, May* 26.

Remarks.—First part of this day commences with fresh breeze from south-southeast; spoke a schooner 35 days from the Confederate States.

90

EXHIBIT A.

91 *Papers offered in evidence on leave to make further proof.*

Her Britannic Majesty's consulate for the State of Louisiana.

Know all persons to whom these presents shall come that I, William Mure, esq'r, her Britannic Majesty's consul for the city of New Orleans and State of Louisiana, do hereby certify that Richard Brennan, esq'r, before whom the annexed power of attorney of Richard Alleyn, in favor of Capt. James H. Ashbey, was executed, is a notary public in and for the parish of Orleans, duly commissioned, and that his signature and seal of office thereunto attached are genuine, and entitled to full faith and credit in court or thereout.

Given under my hand and seal of office, at the city of New Orleans, in the State of Louisiana, the United States of America, the thirty-first day of May, one thousand eight hundred and sixty-one.

WM. MURE,
[SEAL.] *H. B. M. Consul.*

Know all men by these presents that I, Richard Alleyn, a subject of her Britannic Majesty, now a resident of New Orleans, State of Louisiana, sole owner of the British schooner called the Andromeda, now lying in this port of New Orleans, have made, constituted, and appointed, and do by these presents make, nominate, ordain, authorize, constitute, and appoint, and in my place and stead depute and put Captain James H. Ashby, a resident of the city of New Orleans,
of Mi., to be the true and lawful attorney in fact, special giving
92 and by these presents granting unto my said attorney full
power and authority, for me, in my name and to my use, to enter upon and take possession of said schooner Andromeda, her tackle, apparel, and furniture, as she now lays, and the same to freight, charter, or sell, for such price or such terms, and to such person or persons whomsoever as my said attorney shall seem best for my interest, whether in this port or wherever else he may take said schooner, and to sign all bonds of clearance and other acts required at any custom-house, and upon receipt of the freight or charter money or purchase price, good and sufficient acquittances and discharge to grant, as also in case of sale, full title, and warrant; and in case of any difficulty in the premises, to appear before the courts of law and equity, there to do and prosecute or answer and defend as reason shall require, or to compromise, compound, and agree in the premises, by arbitration or otherwise, as my said attorney shall think fit; and generally to do and perform all and every other matter and thing whatsoever as shall or may be requisite and necessary in the premises, as fully, amply, and effectually, and to all intents and purposes, with the same validity as if all and every such act, matter, or thing, were or had been herein particularly stated, expressed, and especially provided for, or as I myself could or might
do if personally present; also with full power of substitution
93 and revocation, hereby agreeing to ratify and confirm all and
whatsoever my said attorney shall lawfully do or cause to be done by virtue hereof.

In testimony whereof, I have hereunto set my hand, at New Orleans, this twenty-seventh day of May, in the year one thousand eight hundred and sixty-one.

RICHARD ALLEYN. [SEAL.]

Signed, sealed, and delivered in presence of—
ELISHA P. SPUAGEE.
EDMOND V. WELTY.

STATE OF LOUISIANA, *Parish of Orleans:*

Before me, Richard Brennan, a duly commissioned and sworn notary public, and for said parish and State, personally appeared

Richard Alleyn, to me personally known to be the individual who executed the within , and he acknowledged that he had executed the same as his proper act and deed for the purpose therein mentioned.

In faith thereof, I have hereto signed my name and affixed my notarial seal, at New Orleans aforesaid, this twenty-seventh [SEAL.] May, A. D. 1861.

R. BRENAN, *Not. Pub.*

Bill of sale of the schooner Andromeda.

Name of ship.	Where built.	Port of registry.	How propelled.
Andromeda.	At Sautucket, N. Y., U. S. A., 1858.	Nassau, N. P.	By sails.
Number of decks	**Rigging.**	**Build.**	**Head.**
One.	Schooner.	Carvel.	Billet.
Number of masts.	**Stern.**	**Galley.**	**Frame-work.**
Two.	Square.	None.	Wood.

EXHIBIT B.—*Measurements.*

Length	104 1
Breadth	28 8
Depth	8 9
Tonnage under tonnage-deck	205 44
Quarter-deck	18 15
Trunk	5 49
Total register tonnage	229 $\frac{08}{100}$

I, James H. Ashbey, of New Orleans, master mariner, attorney for Richard Alleyn, sole owner of the whole of the shares in the said schooner "Andromeda," above particularly described, in consideration of twelve thousand dollars, to me paid by Gerald Thomas Watson, of London, merchant, hereby transfers to the said Gerald Thomas Watson the said shares. Further, I, James H. Ashbey, for myself and my heirs, covenant with the said Gerald Thomas Watson, and his assigns, that I have power to transfer, in manner aforesaid,
95 the said shares, and that the same are free from incumbrance.

In witness whereof, I have hereunto subscribed my name and affixed my seal, at Havana, this third day of March, 1862.

JAMES H. ASHBY. [SEAL.]

Made and signed by the said Jas. H. Ashbey in the presence of me—

JOS. T. CRAWFORD,
{ Consular seal. } *Consul General, in Cuba.*

Service made and admitted Monday morning, July 7th, 1862.

THOS. J. BOYNTON,
U. S. Att'y.

District court of the United States for the southern district of Florida.

THE UNITED STATES
vs.
SCH'R ANDROMEDA AND CARGO. } Prize.

Direct interrogatories propounded by claimants to James H. Ashbey, master of the sch'r Andromeda, on his examination by virtue of an order heretofore made by the court, granting leave to the parties in this cause to introduce further proof.

Interrog. 1. When did the sch'r Andromeda first receive an English register? State at what time, and who was her owner at that time; where it was granted, and whether before or after the blockade of New Orleans.

2. Look at the power of att'y hereto attached, marked "*Ex-*
96 *hibit A.*" Does said instrument refer to the sch'r now in question? Are you the person therein named as attorney, and was the person who executed said power of attorney the owner of said sch'r at the time of the execution thereof; and did he execute the same for the purposes therein set forth; and is the same genuine in all respects?

3rd. Look at the bill of sale hereto attached, marked "*Exhibit B,*" and state whether or not the same relates to and is the bill of sale of the sch'r Andromeda in question in this cause, and conveyed the title thereto to the said claimant, Gerald Thomas Watson. Was the same executed by you by virtue of the power vested in you by the power of att'y hereto attached, marked "*Exhibit A?*" Was the consideration named in the bill of sale paid to you for the said Richard Alleyn, or on his account? State how. Was he the actual and bona fide owner of all the shares in said sch'r at the time of said sale? Does the said Richard Alleyn, or any other person or persons residing in any of those States of the United States declared insurrectionary, possess any reversionary, contingent, inchoate, or any title whatsoever in or to said vessel? Is there any latent or secret title or claim of any person or persons in or to said sch'r Andromeda that in any way or manner whatsoever interferes with said claimant Watson's full, complete, absolute, and unconditional ownership of said sch'r, as appears by her register and said bill of sale?

97 4th. State the reasons of your being retained in command of the Andromeda by the several purchasers of said sch'r; by whom were you each time appointed to command, and what remuneration did you receive?

District court of the United States for the southern district of Florida.

THE UNITED STATES
vs.
SCH'R ANDROMEDA AND CARGO. } Prize.

Answers of James H. Ashbey to the direct interrogatories propounded to him by claimants by virtue of an order heretofore made by the court, granting leave to the parties in this cause to introduce further proof taken on oath before me, George D. Allen, clerk of said court, this 3 *day of July, A. D.* 1862, *at my office, in the city of Key West, in the State of Florida, the claimants represented by J. R. Beckwith, att'y in fact.*

To the first direct interrogatory hereto attached witness says, the said sch'r Andromeda first received an English provisional register about the 18th day of May, A. D. 1861; that it was granted by William Mure, her Britannic Majesty's consul for the city of New Orleans, in the State of Louisiana, at New Orleans; that it was granted to Richard Alleyn, a British subject, who was the bona fide owner
98 of said sch'r at that time; that the same was granted long before the blockade of the port of New Orleans; and that said vessel, after obtaining said register, made one voyage from Havana to the port of New York.

To the second interrogatory witness saith, that the power of att'y attached to the said interrogatories, marked "*Exhibit A*," refers to the sch'r in question in this cause; that this witness is the att'y named and created therein; that Richard Alleyn, who executed said power of att'y, was, at that time, the full, true, and bona fide owner of said sch'r; and that he executed said power of att'y for the purposes therein set forth.

To the 3rd interrogatory witness saith, that the bill of sale hereto attached, marked "*Exhibit B*," was executed by this deponent as the att'y in fact of Richard Alleyn, by virtue of said power of att'y referred to in the last interrogatory; that the same relates to and is the bill of sale of the sch'r in question in this cause, and conveyed a full and absolute and complete title thereto to the said claimant, Gerald Thomas Watson; the twelve thousand dollars, the consideration named in said bill of sale, was paid to me by the said claimant Watson for said Alleyn, and on his account; it was paid in cash; of my own knowledge, the said Richard Alleyn, at the time of said sale, was the actual
99 and bona fide owner of all the shares in said sch'r; and that since said sale the said Richard Alleyn, or any other person or persons residing or doing business in any of those States of the United States declared insurrectionary, possess any interest reversionary, contingent, inchoate, or any title whatsoever; nor is there any latent or secret title or claim of any person or persons that in any way or manner whatsoever interferes with said claimant Watson's full, complete, absolute, and unconditional ownership of said sch'r, as appears by her register and said bill of sale.

To the 4th interrog. witness answers, that at the time of the purchase of said sch'r by Richard Alleyn, and her transfer to English flag and register, a blockade of the port of New Orleans was expected to be laid and commenced in a few weeks. That Richard Alleyn resided in the city of New Orleans; that he intended to send said vessel to sea in order that she might not be useless property to him during the time the blockade should exist. That this witness was appointed to the command of said schr. by the said Richard Alleyn, for the reason that this witness possessed property, and was responsible to the said Alleyn in case of the mismanagement of said vessel, as her business which was an important consideration with the said Alleyn, as upon account of the blockade he could not expect to communicate with said vessel for a long period of time, and her earnings must accumulate and remain in the hands of her master until he could so communicate;

100 that he sailed said schr. for said Alleyn upon a contract by which witness was to have entire control and direction of said vessel; pay her entire expenses; engage her in the most profitable trade possible, and receive one-half of her earnings as a compensation, which is a common rate of contract and compensation for masters sailing vessels of her class. That under said contract he sailed from New Orleans with a cargo to Matamoras, in Mexico; remained there about a month; discharged her cargo, and there being no freight for vessels there at that season he sailed in ballast to Havana, in Cuba, and endeavored to obtain freight there, but was unable to do so for three months, at the expiration of which time he obtained a cargo of sugar and molasses for New York, at low rates for freight, with which he proceeded to New York, where said schr. was seized by United States authorities under the pretence, as witness was informed, that said schr. was liable to confiscation under the provisions of the act of Congress of July 18, 1861, but was soon afterwards released. That he returned to Havana with a general cargo of merchandize, and was unable to procure another freight for a long time. That the expenses of the vessel were accumulating rapidly, and she was earning nothing, which induced witness, on receiving an offer of purchase from the claimant Watson, to accept the same, which course he believed was

101 for the interest of her owner. That to perfect such sale, witness executed the bill of sale referred to and attached. That one of the conditions of the sale of said sch'r was, that witness should be retained in command of said vessel until the owner should find some person who would sail her at lower rates of compensation. That this stipulation was attached for the reason that this witness was cut off from New Orleans by the blockade, and had no remunerative employment, and for no other reason. That in accordance with this stipulation, this witness took command of the sch'r, and was to receive for pay five per cent. of the entire and gross charges for freight upon cargo carried by said vessel while he remained in command. That such is the true and correct statement of witness' connection with said sch'r as master, and the terms upon which he was sailing said vessel when she was captured.

J. H. ASHBEY.

Subscribed and sworn before me this 3d day of July, 1862.

GEORGE D. ALLEN, *Clerk.*

The district att'y declines to cross-examine.

Service admitted. Key West, July 7th, 1862.

THOS. J. BOYNTON, *U. S. Att'y.*

District court of U. S. S. dist. of Fla.

UNITED STATES
vs.
SCH'R ANDROMEDA AND CARGO. } Prize.

SOUTHERN DISTRICT OF FLORIDA, *ss:*

102 J. R. Beckwith, being duly sworn, deposeth and saith, in addition to the matters set forth in the affidavit by him made and attached to the claim of Charles Caro & Co., to a portion of the cargo of the sch'r Andromeda, that the claim was made by him for said firm for the reason that the master had some cargo of his own on board said vessel; the said Caro & Co., on account of the decisions of this court relative to alien enemies, and the evidence and circumstances which this court has considered as conclusive of the fact, that property, although claimed by neutrals, was still the property of alien enemies, which made the said Caro & Co. desirous to separate their interest entirely from those of the other claimant. That the only reason for non-attendance of one of the firm for the purpose of making the claim personally is that only one member of said firm was in Havana at the time, being absent from Cuba. That upon the one member of the firm present in Havana devolves the entire business of a large house, making it utterly impossible for him to leave that city and be present at Key West. That said claim is made in good faith and is true, as this deponent has reason to know, from his knowledge of the business of the said claimants, and as appears from all the evidence in this cause.

J. R. BECKWITH.

Subscribed and sworn before me this 9th day of July, 1862.
GEORGE D. ALLEN, *Clerk.*

103 UNITED STATES
vs.
THE SCH'R ANDROMEDA & CARGO. }

To Thomas J. Boynton, esq'r, U. S. att'y:

Please take notice that the attached are the direct interrogatories that will be asked J. H. Ashbey, on behalf of the claimants in this cause, and the answers to the same will be taken before the clerk of this court, at his office, on the 12th day of July, 1862, at the hours of 10 o'clock a. m. of said day.

July 7th, 1862.

J. R. BECKWITH,
Att'y for Clam'ts.

It is admitted that four interrogatories, with answers written out, all in one handwriting, were served upon me on the 7th day of July,

THOS. J. BOYNTON, *U. S. Att'y.*

UNITED STATES
vs.
THE SCH'R ANDROMEDA & CARGO. } Motion.—Prize.

The claimants in this cause move the court now here that the depositions, exhibits, and papers hereto attached, be taken and
104 received as evidence under the order for further proof heretofore made in this cause.
July 16th, 1862.

J. R. BECKWITH,
Att'y in fact for Claimants.

105 United States of America, district court of the United States, southern district of Florida.

I, George D. Allen, clerk of the district court of the United States for the southern district of Florida, do hereby certify that the preceding one hundred and four pages contain a true and correct transcript of record of said court in the case of the United States *vs.* The schooner Andromeda and cargo. James A. Ashbey, Gerald Thomas Watson, Chas. Culmell, *et al.*, claimants, prize, lately adjudicated in this court.

In testimony whereof, I hereunto affix the seal of said district court, at Key West, in the southern district of Florida, this fifth day of December, in the year of our [L. S.] Lord one thousand eight hundred and sixty-two, and of the independence of the United States the eighty-seventh.

GEORGE D. ALLEN, *Clerk.*